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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

FEB 06 2012

OFFICE OF PETITIONS

In re Patent No. 7,980,036 :
Issued: July 19, 2011 :
Application No. 11/576,809 :
Filed: April 5, 2007 :
Atty. Dkt. No. SAEG198.001APC :

ON PETITION

This is a decision on the petition, filed January 20, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is **DISMISSED**.

Petitioner states that the correct assignees' names are Showa, Co., Ltd. and Taisei Corporation and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests the issuance of a certificate of correction.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

The request under 37 CFR 3.81(b) was not accompanied by an appropriate request for a certificate of correction as required by 3.81(b). See, MPEP 1481.01. The certificate of correction included herewith requests issuance of a certificate of correction wherein Soma

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004

Optics, Ltd. be added as an assignee. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3205. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED
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OFFICE OF PETITIONS

In re Patent No. 7,980,036 :
Issued: July 19, 2011 :
Application No. 11/576,809 :
Filed: April 5, 2007 :
Atty. Dkt. No. SAEG198.001APC :

ON PETITION

This is a decision on the petition, filed February 22, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) so that the Letters Patent will issue to the assignee.

The request is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions

¹ See MPEP 1309, subsection II and Official Gazette of June 22, 2004



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150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED
JAN 11 2011
OFFICE OF PETITIONS

In re Application of :
Huyart et al. :
Application No. 11/576,844 : ON APPLICATION FOR
Filed: April 6, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. 088245-6097 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. § 1.705(b), filed October 29, 2010. Applicants submit that the correct patent term adjustment to be indicated on the patent is eight hundred forty (840) days¹, not five hundred thirty-two (532) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

¹ This calculation is based on a projected issuance date of February 8, 2011.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee².

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b). This fee is required and will not be refunded.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

² For example, if an applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED

NOV 15 2010

OFFICE OF PETITIONS

In re Application of :
Caizhong Tian et al :
Application No. 11/576,852 :
Filed: April 6, 2007 :
Attorney Docket No. 306780US26PCT :

ON PETITION

This is a decision on the petition, filed November 11, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 18, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1716 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 1 of 2)

Nonprovisional Application Number or Control Number (if applicable):
11/576,858

Patent Number (if applicable):

First Named Inventor:
Yoshitaka YANO

Title of Invention:
Liquid Composition for the Oral Cavity

APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.

1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:
 - a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.
 - b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.
 - c. The statutory or non-statutory time period set for response has not yet expired.
 - d. Withdrawal and reissuance of the Office communication is requested.
 - e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.
 - f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
2. FOR PATENTEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:
 - a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.
 - b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - c. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.
 - d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.

**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):
- The maintenance fee payment was required to have been paid after March 10, 2011.
 - A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
 - The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
 - It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C 41(c).
 - This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:
- The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
 - The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
 - The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
 - This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature <u>Michele A. Cimbala</u> (atty dkt no. 2537.0020000)	Date <u>April 11, 2011</u>
Name (Print/Typed) <u>Michele A. Cimbala</u>	Practitioner Registration Number <u>33,851</u>
Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.	
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.	



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

APR 13 2011

OFFICE OF PETITIONS

In re Application of :
Yano et al. :
Application No. 11/576,858 : **DECISION ON PETITION**
Filed: October 13, 2006 :
Attorney Docket No. 2537.0020000/MAC :

This is a decision on the request filed April 11, 2011, seeking relief under the provisions of an announcement by the Under Secretary and Director of the United States Patent and Trademark Office on March 17, 2011,
http://www.uspto.gov/patents/announce/japan_relief_2011mar17.pdf, providing relief to inventors and patent owners in areas affected by the earthquake and resulting tsunami of March 11, 2011.

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on November 23, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-7751. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 1612 for re-mailing the Office action of November 23, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/576,955	01/03/2008	Shin-Jen Shiao	API38-07	7882
7590		04/13/2012		
Shin-Jen Shiao				
4F-6, No. 98 Jianzhong Road				
Hsinchu 300,				
TAIWAN				
		EXAMINER		
		MELLER, MICHAEL V		
		ART UNIT		
		PAPER NUMBER		
		1655		
		MAIL DATE		
		DELIVERY MODE		
		04/13/2012		
		PAPER		

APR 13 2012

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



United States Patent and Trademark Office

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Shin-Jen Shiao
4F-6, No. 98 Jianzhong Road
Hsinchu 300 TW TAIWAN

In re Application of	:
Shiao	:
Serial No.: 11/576,955	: Decision on Petition
Filed : 3 January 2008	:
Attorney Docket No.: API38-07	:

This letter is in response to the Petition filed on 27 February 2012 and 7 March 2012 requesting reconsideration of:

the restriction requirements mailed on 15 January 2009 and 6 April 2010 and
the notice of non-compliant or non-responsive amendments mailed 2 August 2010, 16
November 2010, 1 March 2011, 6 September 2011, 5 December 2011 and 13 February
2012.

This is being treated as a petition filed under 37 C.F.R. 1.144. No fee is required for this type of petition.

BACKGROUND

This application was filed as a national stage of a PCT application and as such is entitled to consideration under PCT unity of invention rules.

On 15 January 2009 the examiner required an election of species amongst "the many different and distinct components in the claims composition and the many different and distinct forms that the invention can be in." Applicant was then required to clearly enumerate each and every component to be in the elected composition to which the examination will be limited to (also

including if the herb from the above restriction is being elected or not), and the form of the composition (i.e., tablet.)” The requirement was set forth under 35 U.S.C. 121 as though the application had been filed under 35 U.S.C. 111(a). PCT Rules were not applied.

On 27 February 2009, applicants filed the following election:

According to the Examiner’s instruction the applicant has made the following election and restriction:

- 1). Elect a composition (claim 57) in independence and a second use of a composition (claim 61), and restrict their contents.
- 2). Herbs have been elected what used in examples only, including garlic, ramson, yam, zinger, almond, yam, and carotene.
- 3). Organic acids are rearranged to their groups instead of all the acids used in examples, the reasons will be described in following sections.
- 4). In oral administration the term of “and is selected from the group comprising a capsule, a tablet, flakes, a powder, a pill, lozenges, a syrup, a solution and/or a suspension” has been cancelled to avoid the trouble inducing by “tablet” because acetic acid has a melt point of 16.7 °C.

On 6 April 2010, the examiner required a second election of species amongst “the many different and distinct components in the claims composition and the many different and distinct forms that the invention can be in.” Again, the requirement was set forth under 35 U.S.C. 121 as though the application had been filed under 35 U.S.C. 111(a). PCT Rules were not applied. The restriction requirement did not acknowledge or address the election.

On 30 April 2010, applicants filed a response pointing out the concurrent examination and allowance of the same claims by the CIPO and UKIPO examiners and how the amendment filed on 30 April 2010 was made to avoid prior art. Applicants pointed to various parts of the specification as an attempt to identify species as required by the examiner.

On 2 August 2010, the examiner prepared a notice of compliant or non-responsive amendment, which stated:

1. The reply filed on 4/30/2010 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): applicant did not follow the election of species which was explained very clearly in the last office action. Applicant must clearly list each and every component to be in the elected composition and applicant must clearly elect a form for the composition such as liquid for oral administration. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Similar notices were prepared on 16 November 2010, 1 March 2011, 6 September 2011, 5 December 2011 and 13 February 2012.

On 27 February 2012 and 7 March 2012, applicants filed these petitions.

DISCUSSION

The file history and petitions have been considered carefully.

At the onset, it is noted that the first and second restriction requirement did not apply PCT unity of invention rules as required for this international filing of PCT in compliance with 35 U.S.C. 371. In both instances, the examiner treated the claims for restriction as though they had been filed in a US application under 35 U.S.C. 111(a).

Because the initial restriction requirements did not rely upon the correct criteria for restriction for this international filing, the notice of non-compliant amendments mailed for failing to properly respond to the requirement were not warranted.

DECISION

For these reasons, the petitions filed on 27 February 2012 and 7 March 2012 are **GRANTED** as follows:

Both of the restriction requirements and all of the notice of non-compliant or non-responsive amendments are withdrawn.

The application will be forwarded to the examiner for preparation of an Office action consistent with this petition decision. The examiner is reminded to use PCT unity of invention practice for national stage filing in compliance with 35 U.S.C. 371. The Office action may be a lack of unity determination under 35 U.S.C. 121 and 372, if appropriate. Any unity of invention requirement should be made with respect to the currently claim set, per ISPE Guidelines Paragraph 20.09.

Applicant is encouraged to contact the independent inventor's office for assistance at:

<http://www.uspto.gov/inventors/independent/index.jsp>

Finally, because this application appears to have been examined in other countries, applicants are encouraged to find assistance via the Patent Prosecution Highway webpage found at:

http://www.uspto.gov/patents/init_events/pph/index.jsp

Should there be any questions regarding this decision, please contact Quality Assurance Specialist Julie Burke by mail addressed to Director, Technology Center 1600, PO BOX 1450,

ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-0512 or by Official Fax at 703-272-8300.

A handwritten signature in cursive script, reading "George C. Elliott". The signature is written in black ink and is positioned above the printed name and title.

George Elliott
Director, Technology Center 1600



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Paper No.

GLAXOSMITHKLINE
GLOBAL PATENTS -US, UW2220
P. O. BOX 1539
KING OF PRUSSIA PA 19406-0939

MAILED
DEC 21 2010
OFFICE OF PETITIONS

In re Application of :
Lanier et al. :
Application No. 11/576,957 : ON APPLICATION FOR
Filed: 04/10/2007 : PATENT TERM ADJUSTMENT
Atty Docket No. :
PU61089 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT ACCORDING TO 37 CFR §1.705(b), filed on October 13, 2010. Applicants request that the determination of patent term adjustment be increased from 137 days to at least 458 days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

The request is **DISMISSED**.

To the extent the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of

issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the 37 CFR 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

To the extent that the instant application for patent term adjustment requests reconsideration of the PTA at the time of the mailing of the Notice of Allowance, the request is

DISMISSED.

On July 13, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 137 days (230 days of PTO delay and 93 days of applicant delay).

The instant application for patent term adjustment was timely filed.²

Applicants assert that the 31 day period of reduction for applicant delay, for the filing of a supplemental response on June 4, 2010, 31 days after a response to an Office action was filed, is incorrect and should be removed. Specifically, petitioners assert that the paper filed on June 4, 2010, was a duplicate of the previously filed response, and was inadvertently filed. Applicants further assert that the examiner was notified by telephone that the response filed on June 4, 2010, was a duplicate response. As such, applicants assert that the response filed on June 4, 2010, is not a supplemental response.

Applicants' argument has been considered, but is not persuasive.

37 CFR 1.704(c)(8) states that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping: Submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after

² PALM Records indicate that the issue fee was paid on October 13, 2010.

the date the initial reply was filed and ending on the date that the supplemental reply or other such paper was filed.

It is undisputed that on May 4, 2010, a response to a non-final Office action was mailed. It is also undisputed that on June 4, 2010, 31 days after the response was filed, a supplemental reply or other paper was filed.

37 CFR 1.704(c)(8) does not distinguish between supplemental replies and other papers, other than a supplemental reply or other paper expressly requested by the examiner. The paper filed on June 4, 2010, is clearly a supplemental reply or other paper and was not requested by the examiner. This is type of filing that is deemed to substantially interfere with issuance. As this paper was filed as a result of applicant error, however inadvertent, the reduction of 31 days for applicant delay for the filing of the supplemental reply or other papers is proper and will not be removed.

In view thereof, no change will be made in the determination of patent term adjustment at the time of the mailing of the notice of allowance.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

With respect to applicants' request for a refund of the fee set forth in § 1.18(e), it is noted that the fee is required for consideration of the application for patent term adjustment. As applicants requested and received consideration of the application under 37 CFR 1.705(b), the fee will not be refunded.

The application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3231.

A handwritten signature in black ink, appearing to read "D. Wood", written in a cursive style.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

JUN 10 2011

OFFICE OF PETITIONS

In re Application of	:
Veit Meister et al	:
Application No. 11/576,981	: DECISION GRANTING PETITION
Filed: April 10, 2007	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14219-148US1	:
P2004,0794 U	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on May 9, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

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DEC 15 2010

OFFICE OF PETITIONS

In re Application of
Veit MEISTER, et al.
Application No. 11/576,985
Filed: July 15, 2008
Attorney Docket No. **14219-147US1**
P2004,0793 U

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 14, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 7, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2817 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



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P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
Veit Meister et al :
Application No. 11/576,985 : DECISION DISMISSING PETITION
Filed: July 15, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 14219-147US1 :
P2004,0793 U :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 7, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition did not get to the proper deciding official in time to process the petition prior to the patent issue. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$810 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions



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Paper No.

Ilypsa, Inc.
c/o Amgen, Inc.
1120 Veterans Boulevard, ASF1-1
South San Francisco CA 94080

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Patent No. 7,767,768 : DECISION ON REQUEST
Chang et al. : FOR
Issue Date: August 3, 2010 : RECONSIDERATION OF
Application No. 11/577,194 : PATENT TERM ADJUSTMENT
Filed: September 6, 2007 : and
Atty Docket No. ILPS 03033.202: NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on September 27, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred eleven (311) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred eleven (311) days is **GRANTED**.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **three hundred eleven (311) days**.

Patent No. 7,767,768

Application No. 11/577,194

Page 2

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long, sweeping horizontal line extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,767,768 B2

DATED : August 3, 2010

DRAFT

INVENTOR(S) : Chang et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 199 days

Delete the phrase "by 199 days" and insert – by 311 days--

<i>Issue Classification</i> *11577233*	Application/Control No. 11577233	Applicant(s)/Patent Under Reexamination MOON ET AL.
	Examiner Allen J Flanigan	Art Unit 3744

[illegible][illegible]

NONE		Total Claims Allowed:	
(Assistant Examiner)	(Date)	6	
/Allen J Flanigan/ Primary Examiner.Art Unit 3744	2/13/2011	O.G. Print Claim(s)	O.G. Print Figure
(Primary Examiner)	(Date)	1	6



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/577,255	02/14/2008	Maiko Tanaka	1303.47396X00	1224
20457 7590 04/18/2011 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER CHANG, VICTOR S	
			ART UNIT 1788	PAPER NUMBER
			MAIL DATE 04/18/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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EL

April 18, 2011

In re application of	:	DECISION ON REQUEST TO
Tanaka, et al.	:	PARTICIPATE IN PATENT
Serial No. 11/577255	:	PROSECUTION HIGHWAY
Filed: February 14, 2008	:	PROGRAM AND
For: ADHESIVE SHEET AND METHOD	:	PETITION TO MAKE SPECIAL
FOR MANUFACTURING THE SAME,	:	UNDER 37 CFR 1.102(a)
SEMICONDUCTOR DEVICE	:	
MANUFACTURING METHOD AND	:	
SEMICONDUCTOR DEVICE	:	

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed February 11, 2011.

The request and petition are **DENIED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:
 - i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition fail because:

(4) Action on this US application has begun. Specifically, Requirement for Restriction/Election was mailed on April 11, 2011.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner, at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/ Emily M. Le/

Emily M. Le

Supervisory Patent Examiner,
Technology Center 1700



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SEP 27 2011

OFFICE OF PETITIONS

J. BENNETT MULLINAX, LLC
P. O. BOX 26029
GREENVILLE SC 29616-1029

In re Application of
NAGORNY, VLADIMIR
Application No. 11/577,279
Filed: 04/13/2007
Attorney Docket No. VNX-1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2011, to revive the application.

The petition is **GRANTED**.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action of December 23, 2010, which set a three-month shortened statutory period for response. Applicant obtained an extension of time for response within the second month. Accordingly, the application became abandoned on May 23, 2011. A Notice of Abandonment was mailed on July 29, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that applicant has supplied (1) the reply in the form of a RCE, the RCE fee, and the submission required by 37 CFR 1.114; (2) the petition fee; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 2629 for processing of the RCE and for appropriate action by the Examiner on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

Applicant: Walther et al.
Appl. No.: 11/577,419
International Filing Date: September 30, 2005
Title: Surgical Implant
Attorney Docket No.: ETH5185USPCT
Pub. No.: US 2007/0250147 A1
Pub. Date: October 25, 2007

MAILED
JAN 09 2012
OFFICE OF PETITIONS

This is a decision on the petition under 37 CFR 1.182 requesting correction of the patent application publication, received on July 29, 2011, which is being treated under 37 CFR 1.221(b), as a request for corrected publication and a request for information, for the above-identified application.

The petition is dismissed.

The petition is dismissed because 37 CFR 1.221 applies to corrected publication and republication of patent applications.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed **within two months** from the date of the patent application publication. **This period is not extendable.**" A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The request received on July 29, 2011, was not timely filed under 37 CFR 1.221(b).

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. See 35 U.S.C. § 41 (a)(7). No petition fee has been charged to applicant's deposit account.

¹ Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

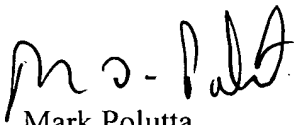
<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

OR

http://www.uspto.gov/ebs/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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Date Mailed : April 19, 2011
Patent No. : 7,811,563 B2
Ser. No. : 11/577426
Issued : October, 12, 2010
Inventor(s) : Paul Acton, et al.
Title : ANTI-ADDL ANTIBODIES AND USES THEREOF

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data, attorney agent/firm) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data; *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);**
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and**
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.**

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley

For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(571) 272-0423

Licata & Tyrell P.C.
66 E. Main Street
Marlton, NJ 08053

MD/mt



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LICATA & TYRRELL P.C.
66 E. MAIN STREET
MARLTON NJ 08053

MAILED
AUG 18 2011
OFFICE OF PETITIONS

In re Patent No. 7,811,563 :
Issue Date: October 12, 2010 :
Application No. 11/577,426 : **DECISION ON PETITION**
Filed: October 4, 2007 :
Attorney Docket No. MRK0002US.NP :

This is a decision on the Petition To Correct Assignee Under 37 CFR 3.81(b), filed July 27, 2011, to identify the correct second assignee's name. A completed modified Certificate of Correction Form was previously submitted.

The petition under 37 CFR §3.81(b) is **GRANTED**.

Petitioner urges that the present Petition was submitted to correct the second assignee's name on the previously submitted PTOL 85B and such error was inadvertent. Accordingly, petitioner requests, in effect, that the Title Page of the above-identified patent be corrected, via issuance of Certificate of Correction, to correct the second assignee's name identified thereon from:

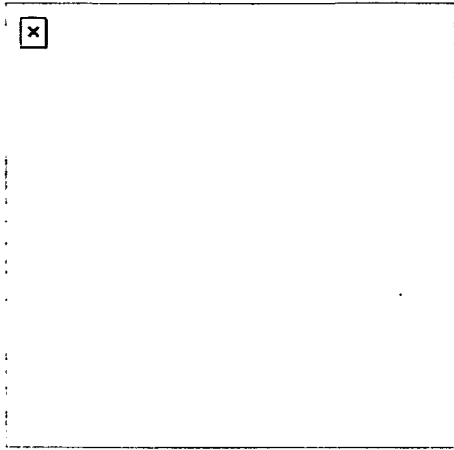
"Merck & Co., Inc."

to:

--Merck Sharp & Dohme Corp.--

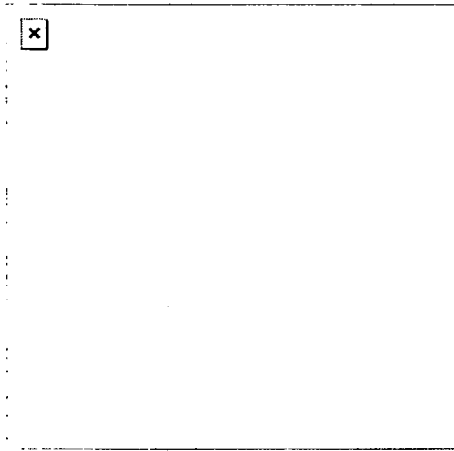
37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in §3.11 before issuance of the patent, and must include a request for a certificate of correction under §1.323 of this chapter (accompanied by the fee set forth in §1.20(a) and the processing fee set forth in §1.17(i) of this chapter.



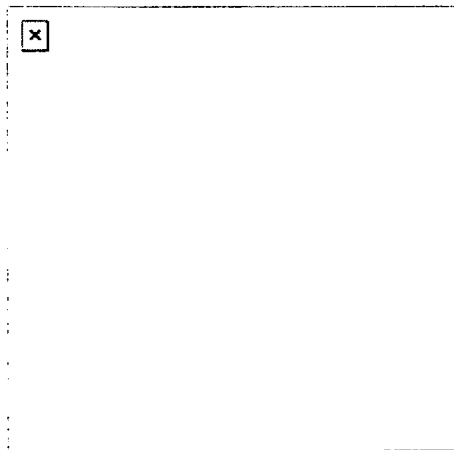
AAGSW2100

One (1) Month Wall Calendar



AAGSK1616

Three(3) Month Wall Calendar



AAGPM1128

Appointment Book (Manager Only)

U.S. Patent No. 7,811,563
Application No. 11/577,426
Decision on Petition under 37 CFR §3.81(b)

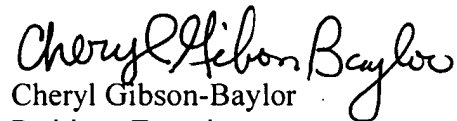
Page 2

The requisite \$100.00 fee (Fee Code 1811), as set forth under 37 CFR §1.20(a), and the requisite \$130.00 processing fee (Fee Code 1464), as set forth under 37 CFR §1.17(i), have been submitted. Further, Office assignment records are consistent with the requested correction. Accordingly, since the Petition complies with the provisions of 37 CFR §3.81(b), it is appropriate for the Office to issue a Certificate of Correction in accordance with the content of the modified Form previously submitted.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,811,563.


Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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HAHN & VOIGHT PLLC
1012 14TH STREET NW
SUITE 620
WASHINGTON DC 20005

MAILED

DEC 08 2010

OFFICE OF PETITIONS

In re Application of :
Vass, et al. :
Application No. 11/577,434 : ON PETITION
Filed: April 18, 2007 :
Attorney Docket No. GR-003 :
(0501044) :

This is a decision on the petition to revive under
37 CFR 1.137(b), filed September 23, 2010.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to
timely file a reply in response to the non-final Office action,
mailed March 16, 2010. This Office action set a shortened
statutory period for reply of three (3) months. No reply having
been received, the application became abandoned on June 17, 2010.
The Office mailed a Notice of Abandonment on September 30, 2010.

With the instant petition, applicants made the proper statement
of unintentional delay, paid the petition fee, and filed the
required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 1628 for
consideration of the Amendment, filed September 23, 2010.

Telephone inquiries related to this decision should be directed
to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

MAILED
DEC 12 2011
OFFICE OF PETITIONS

In re Application of	:
Neil O'Connor, et al.	:
Application No. 11/577,472	: DECISION ON PETITION
Filed: July 2, 2007	: UNDER 37 CFR 1.313(c)(1)
Attorney Docket No. 41319-105630	:

This is a decision on the petition under 37 CFR 1.313(c), filed December 8, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED**.

37 CFR 1.313(c) provides that:

Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except:

(1) Unpatentability of one of more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;

(2) Consideration of a request for continued examination in compliance with 37 CFR 1.114; or

(3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application.

Upon payment of the issue fee, an application will not be withdrawn from issue upon petition except for the reasons enumerated in 37 CFR 1.313(c). The circumstances of the above-identified application do not fall within any of those exceptions.

A request for continued examination and submission must be filed with the petition to withdraw from issue.

For the reason stated above, the petition under 37 CFR 1.313(c) cannot be granted.

Petitioner is reminded that the filing of any renewed petition to withdraw from issue may not be recognized or effective if not received by the appropriate deciding official in time to act prior to

issuance. *Note* 37 CFR 1.313(d). It is recommended that the facsimile number listed below be used to file the renewed petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: **(571) 273-0025**
 Office of Petitions

Any questions concerning this matter may be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BARNES & THORNBURG LLP
P.O. Box 2786
CHICAGO IL 60690-2786

MAILED
DEC 27 2011
OFFICE OF PETITIONS

In re Application of :
Neil O'Connor, et al. :
Application No. 11/577,472 : DECISION DISMISSING PETITION
Filed: July 2, 2002 : UNDER 37 CFR 1.313(a)
Attorney Docket No. 41319-105630 :

This is a decision on the renewed petition under 37 CFR 1.313(a), filed December 23, 2011, requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance and Fee(s) Due was mailed on September 28, 2011, with the issue fee being due on or before December 28, 2011. The petition states that the issue fee in this case has not been paid.

The filing of a petition under 37 CFR 1.313(a) is unnecessary, since the mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue. *Note* MPEP §§ 706.07(h)(IX) and 1308.

An RCE must be filed to effectively withdraw the application from issue.

Inquiries concerning this decision may be directed to Terri Johnson at (571) 272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

MAILED

OCT 22 2010

In re Application of
Craig A. Schwartz
Application No. 11/577,529
Filed: August 28, 2009
Attorney Docket No. 041828-0107

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 1, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Alan I. Cantor on behalf of all attorneys/agents associated with customer number 01609. All attorneys/agents associated with customer number 01609 have been withdrawn.

The correspondence address has been changed and is copied below.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Mititech, LLC
9220 Rumsey Road
Columbia, MD 21045



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/577,529	08/28/2009	Craig A. Schwartz	041828-0107

1609
ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON,, DC 20036

CONFIRMATION NO. 5335
POWER OF ATTORNEY NOTICE



Date Mailed: 10/20/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/01/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : November 2, 2011

TO SPE OF : ART UNIT 1784 SPE Jennifer C. McNeil

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/577,579 Patent No.: 7,927,673 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206**

Should the references be removed in Item (56) References Cited, U.S. Patent Documents and Foreign Patent Documents as requested by applicant?
See COCIN dated 5-31-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

☐ **Approved in Part**

☐ **Denied**

All changes apply.

Specify below which changes **do not** apply.

State the reasons for denial below.


JENNIFER C. MCNEIL
SUPERVISORY PATENT EXAMINER

Comments: _____

SPE McNeil

Art Unit 1784



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Eckart Matthes

Application No. 11577677

Filed: February 19, 2008

Attorney Docket No. 3035-104

:
:

:DECISION ON PETITION TO MAKE SPECIAL
:UNDER 37 CFR 1.102(c)(1)
:

This is a decision on the electronic petition under 37 CFR 1.102 (c)(1), filed 23-SEP-2010 to make the above-identified application special based on applicant's age as set forth in MPEP § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1), MPEP § 708.02, Section IV: Applicant's Age must include a statement by applicant or a registered practitioner having evidence that applicant is at least 65 years of age. No fee is required.

Accordingly, the above-identified application has been accorded "special" status and will be taken up for action by the examiner upon the completion of all pre-examination processing.

Telephone inquiries concerning this electronic decision should be directed to the Electronic Business Center at 866-217-9197.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.



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WORKMAN NYDEGGER
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

MAILED

AUG 10 2010

OFFICE OF PETITIONS

Applicants: Makoto Kasu, et al.

Appl. No.: 11/577,678

International Filing Date: June 20, 2006

Title: DIAMOND SEMICONDUCTOR ELEMENT AND PROCESS
FOR PRODUCING THE SAME

Attorney Docket: 08940.0041-00000

Pub. No.: US 2009/0010946 A1

Pub. Date: October 22, 2009

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on December 11, 2009, for the above-identified application.

The request is granted.

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

Mark Polutta

Senior Legal Advisor

Office of Patent Legal Administration

Office of the Deputy Commissioner

for Patent Examination Policy



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JAMES F. KRAMER
601 MYSTIC LANE
FOSTER CITY CA 94404

MAILED

SEP 06 2011

OFFICE OF PETITIONS

In re Application of
Kramer
Application No. 11/577,718
Filed: April 21, 2007
Attorney Docket No. Foodware-PCT-US
For: FOODWARE SYSTEM HAVING
SENSORY STIMULATING, SENSING
AND/OR DATA PROCESSING
COMPONENTS

:
:
:
:
:

ON PETITION

This is a decision on the petition, filed August 22, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the December 10, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on March 11, 2011. A Notice of Abandonment was mailed on July 5, 2011.

Applicant has submitted an amendment in reply to the December 10, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the December 10, 2010 non-final Office action, and the \$810.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 2885 for consideration of the amendment, filed August 22, 2011, and the refund request, filed August 22, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/17/2011TO SPE OF : ART UNIT 1745SUBJECT : Request for Certificate of Correction for Appl. No.: 11/577879 Patent No.: 7905976B2CofC mailroom date: 5/16/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**Specify below which changes **do not** apply.☐ **Denied**

State the reasons for denial below.

Comments: Correct to Column 8, line 61 should be corrected
to Column 8, line 62

Chan Sing Bo6/22/11

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/17/2011TO SPE OF : ART UNIT 1745SUBJECT : Request for Certificate of Correction for Appl. No.: 11/577879 Patent No.: 7905976 B2CofC mailroom date: 5/16/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved☐ Approved in Part☐ Denied

All changes apply.

Specify below which changes do not apply.

State the reasons for denial below.

Comments: _____

PHILIP TUCKER *[Signature]*

SPE 1745



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LADAS & PARRY LLP
224 SOUTH MICHIGAN AVENUE
SUITE 1600
CHICAGO IL 60604

MAILED

OCT 13 2011

PCT LEGAL ADMINISTRATION

In re Application of:	:	
PIERZYNOWSKI et al.	:	
Application No.: 11/577,892	:	DECISION ON PETITION
PCT No.: PCT/PL05/00068	:	
Int. Filing Date: 28 October 2005	:	
Priority Date: 29 October 2004	:	
Attorney Docket No.: CU-5674 RJS	:	
For: UTRITIONAL AND/OR	:	
PHARMACEUTICAL PREPARATION	:	
FOR USE IN PROPHYLAXIS AND	:	
TREATMENT OF DISTURBANCES IN	:	
MICROELEMENTS ABSORPTION	:	
FROM THE ALIMENTARY CANAL	:	

This decision is issued in response to applicants' "Request to Correct Filing Date" filed 15 July 2009, which has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 28 October 2005, applicants filed international application no. PCT/PL05/00068 which claimed a priority date of 29 October 2004. On 04 May 2006, a copy of the international application was transmitted to the United States Patent and Trademark Office ("USPTO") by the International Bureau. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 April 2007.

On 25 April 2007, applicants filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee; a copy of the international application; and a preliminary amendment.

On 21 June 2007, applicants filed an executed declaration of inventors. The submission was directed to application number 10/577,892.

On 13 May 2009, the United States Designated/Elected Office mailed a Notification of Missing Requirements (PCT/DO/EO/905) requiring submission of an oath or declaration in compliance with 37 CFR 1.497.

On 29 May 2009, applicants filed a copy of the declaration previously submitted on 21 June 2007.

On 16 June 2009, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 29 May 2009. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 29 May 2009.

On 15 July 2009, applicants filed the present "Request to Correct Filing Date" considered herein.

DISCUSSION

The application file to which applicants' 21 June 2007 submission was directed, 10/577,892, contains applicants' submission. The declaration bears a 21 June 2007 receipt stamp that confirms the asserted filing date; the documents have been moved to the present application file. Additionally, the declaration submitted is in compliance with 37 CFR 1.497(a)-(b).

Additionally, applicants request a corrected filing date (or 371(c) date) from 29 May 2009 to 21 June 2007. The actual filing date of the present application is the international filing date, i.e., 28 October 2005. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01)

Applicants state in their present petition that a declaration/power of attorney was received at the United States Patent and Trademark Office on 21 June 2007. A review of the present application reveals that the declaration and power of attorney filed 21 June 2007 has been forwarded to the above-identified application. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 19 April 2007 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 21 June 2007.

Further, the Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed 16 June 2009 which improperly identifies the "Date of Receipt of 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) Requirements" and "Date of Completion of All 35 U.S.C. 371 Requirements" as 29 May 2009 is hereby VACATED.

CONCLUSION

Applicants' request for a corrected filing receipt is **GRANTED**.

Applicants' petition under 37 CFR 1.181, to treat the materials filed on 21 June 2007 in U.S. application number 10/577,892 as having been filed in the present application, is **GRANTED**.

The application has an international filing date of 28 October 2005 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of **21 June 2007**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read "Anthony R. Smith", with a stylized flourish at the end.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110930

DATE : September 30, 2011

TO SPE OF : ART UNIT 2624

SUBJECT : Request for Certificate of Correction on Patent No.: 7,912,293

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

The change correctly adds the Foreign Application Priority Data to the face of the patent. The patentee is entitled to the right of priority to the foreign application in accordance with 35 U.S.C. 365(b).

/BHAVESH MEHTA/
Supervisory Patent Examiner.Art Unit 2624



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DR. REDDY'S LABORATORIES, INC.
200 SOMERSET CORPORATE BLVD
SEVENTH FLOOR
BRIDGEWATER, NJ 08807-2862

MAILED

JAN 05 2011

OFFICE OF PETITIONS

In re Application of
Siripragada Mahender Rao, et. al.
Application No. 11/577,945
Filed: April 25, 2007
Attorney Docket No. CPS3.3-003

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed July 2, 2010, to revive the above-identified application.

The petition is dismissed.

This application became abandoned for failure to respond to the Notice to File Corrected Application Papers (Notice) mailed May 14, 2010. A Notice of Abandonment was mailed on July 7, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3) above.

In this regard, petitioner asserts "I became aware that a full given name was required about May 18, 2010, following receipt of a notification from our U.S. attorney, and promptly began to search for information so that I could contact this inventor. The inventor was located and contacted about June 16, 2010, which was after the end of the response time period that was established."

The showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711.03(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the

outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982).

Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Petitioner should also note that he has an alternate remedy under the unintentional provisions of 37 CFR 1.137(b) which does not require a showing of the delay in timely responding to the Notice mailed May 14, 2010. An unintentional petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee. A courtesy copy of a Petition under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

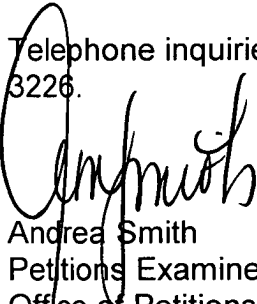
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

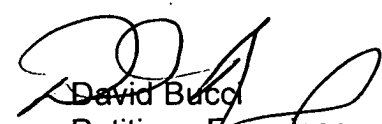
By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



David Bucco
Petitions Examiner

Enclosure: Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) – (Form PTO/SB/64)



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DR. REDDY'S LABORATORIES, INC.
200 SOMERSET CORPORATE BLVD
SEVENTH FLOOR
BRIDGEWATER, NJ 08807-2862

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of
Siripragada Mahender Rao, et. al.
Application No. 11/577,945
Filed: April 25, 2007
Attorney Docket No. CPS 3.3-003

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: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 6, 2011, to revive the above-identified application.

In response to the decision mailed January 4, 2011, petitioner submits the present petition under 37 CFR 1.137(b) along with \$1,620 petition fee.

Since the petition satisfies the requirements of 37 CFR 1.137(b), the petition is hereby **GRANTED**.

This application file is being referred to the Office of Data Management for further processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



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ALEXANDRIA, VA 22313-1450
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DR. REDDY'S LABORATORIES, INC.
200 SOMERSET CORPORATE BLVD
SEVENTH FLOOR
BRIDGEWATER, NJ 08807-2862

MAILED

DEC 09 2010

PCT LEGAL ADMINISTRATION

In re Application of	:	
SAJJA et al	:	
Application No.: 11/577,948	:	DECISION ON PETITION
PCT Filing Date: October 26, 2005	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No.: BULK 3.3-104	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 26, 2010, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of priority to the prior-filed provisional application set forth in the application data sheet filed concurrently with the instant petition.

The petition is **DISMISSED AS MOOT**.

MPEP 201.11, Section III. D. states in relevant part,

The reference required by 37 CFR 1.78(a)(2) or (a)(5) must be included in an ADS or the specification must contain or be amended to contain such reference in the first sentence(s) following the title. . . . If an applicant includes a benefit claim in the application but not in the manner specified by 37 CFR 1.78(a) (e.g., if the claim is included in an oath or declaration or the application transmittal letter) within the time period set forth in 37 CFR 1.78(a), the Office will not require a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) to correct the claim if the information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt.

A review of the application reveals that applicant included a benefit claim to the provisional application in the international stage. Such benefit claim was recognized by the Office as shown by its inclusion on the filing receipt mailed on February 11, 2009. Accordingly, a petition under 37 CFR 1.78(a)(6) is not required. The submitted petition fee will be refunded in due course.

Any questions concerning this matter may be directed to Bryan Lin at (571) 272-3303. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1624 for further processing.

Bryan Lin

Bryan Lin

Legal Examiner

Office of PCT Legal Administration



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United States Patent and Trademark Office
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SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. BOX 2938
MINNEAPOLIS MN 55402

MAILED

AUG 25 2010

In re Application of :
David J. Grainger :
Application No. 11/577,974 :
Filed: October 31, 2008 :
Attorney Docket No. 1543.010US1 :

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36, filed July 15, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because it lacks a forwarding correspondence address of the first named inventor or a properly intervening assignee.


If the forwarding correspondence address is to the assignee, the Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *that properly became of record under 37 CFR 3.71*. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-2991.


Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Cambridge Enterprise Limited**
The Old Schools, Trinity Lane
Cambridge, CB2 1TS
United Kingdom



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WILLIAM J. KOLEGRAFF
3119 TURNBERRY WAY
JAMUL CA 91935

MAILED

MAY 31 2011

OFFICE OF PETITIONS

In re Application of :
Bar-Giora Goldberg :
Application No. 11/577,988 : **DECISION ON PETITION**
Filed: April 25, 2007 :
Attorney Docket No. AVA-03 US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 27, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on April 28, 2010. A Notice of Abandonment was mailed on September 20, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2618 for appropriate action by the Examiner in the normal course of business on the reply received April 22, 2011.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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JAN 03 2012

OFFICE OF PETITIONS

THE NATH LAW GROUP
112 South West Street
Alexandria VA 22314

In re Patent No. 7,699,534
Issue Date: April 20, 2010
Application No. 11/578,030
Filed: October 12, 2006
Attorney Docket No. 27653U

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 9, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Attorney Advisor
Office of Petitions



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P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

In re Application of	:	DECISION ON	JAN 11 2011
EPPLÉ et al	:		
Application No.: 11/578,101	:		PCT LEGAL ADMINISTRATION
International App. No.: PCT/EP05/03645	:	REQUEST UNDER	
Int. Filing Date: 07 April 2005	:		
Priority Date: 08 April 2004	:		
Attorney's Docket No.: 18233-011US1	:		
For: CATADIOPTRIC PROJECTION... GROUP	:	37 CFR 1.497(d)	

This is a decision on applicants' "SUBMISSION UNDER 37 CFR 1.497(d) OF... PURSUANT TO 35 USC 371" filed on 27 July 2009, which is a copy of the request filed on 24 September 2007, naming additional joint inventors, Hans-Juergen MANN and David SHAFER, in the executed declaration. The \$130.00 processing fee has been paid.

BACKGROUND

On 07 April 2005, applicants filed international application No. PCT/EP05/03645 claiming an earliest priority date of 08 April 2004.

On 10 October 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 24 September 2007, applicants filed a new executed declaration and a request under 37 CFR 1.497(d). However, no statements from the added joint inventors was included in the submission.

On 25 September 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date" must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 15 October 2007, applicants re-filed the executed declaration.

On 08 July 2009, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF DEFECTIVE RESPONSE" (Form PCT/DO/EO/916) indicating that the oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it: ... the declaration that was submitted has two inventors listed that are not on the international application. The Notification indicated that applicants are required to complete the response within a time limit of One Month from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is later.

On 27 July 2009, applicants resubmitted a copy of the Request under 37 CFR 1.497(d) which included now included, *inter alia*, a statements under 37 CFR 1.497(d) from Hans-Juergen MANN and David SHAFER.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statements submitted on 27 July 2009 from Hans-Juergen MANN and David SHAFER are sufficient because the statements state that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been provided.

With respect to item (3), the assignee, CARL ZEISS SMT AG, the assignee, has not consented to the correction of inventorship to the above application. Also, to establish the right of the Assignee to take action, applicant must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

Accordingly, the request does not meet the requirements under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Baeares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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MAILED

In re Application of	:	DECISION ON	APR 22 2011
EPPLE et al	:		
Application No.: 11/578,101	:		PCT LEGAL ADMINISTRATION
International App. No.: PCT/EP05/03645	:	REQUEST UNDER	
Int. Filing Date: 07 April 2005	:		
Priority Date: 08 April 2004	:		
Attorney's Docket No.: 18233-011US1	:		
For: CATADIOPTIC PROJECTION... GROUP	:	37 CFR 1.497(d)	

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 23 February 2011.

BACKGROUND

In a decision from this Office mailed on 11 January 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 23 February 2011, applicants filed the renewed request, which included, *inter alia*, a written consent by the assignee.

DISCUSSION

In regard to item (3), Carl Zeiss SMT GmbH consents to the correction of inventorship to the above application and has provided the requisite papers. However, a further review of the "RENEWED REQUEST UNDER 37 CFR 1.497(d)" reveals that the applicant has still not satisfied item (3) of 37 CFR 1.497(d) because Dr. A Zeiler and J. Schultz, who are signing on behalf of the assignee, do not have neither apparent authority because their title is of "Officer" nor they appear to have authority to act on behalf of the assignee. The title of "Officer or authorized clerks" is vague as to their responsibilities and is not presumed to be an officer that has apparent authority to sign on behalf of the organization. Note MPEP 1820.

Accordingly, applicant is deemed not to satisfy requirement (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459



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MINNEAPOLIS MN 55440-1022

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JUL 12 2011

In re Application of	:	DECISION ON	
EPPLE et al	:		PCT LEGAL ADMINISTRATION
Application No.: 11/578,101	:		
International App. No.: PCT/EP05/03645	:	REQUEST UNDER	
Int. Filing Date: 07 April 2005	:		
Priority Date: 08 April 2004	:		
Attorney's Docket No.: 18233-011US1	:		
For: CATADIOPTIC PROJECTION... GROUP	:	37 CFR 1.497(d)	

This is a decision on applicants' "RENEWED REQUEST UNDER 37 CFR 1.497(d)" filed on 11 May 2011.

BACKGROUND

In a decision from this Office mailed on 22 April 2011, the decision indicated that the request was dismissed because the request did not satisfy item (3) of 37 CFR 1.497(d).

On 11 May 2011, applicants filed the current renewed request, which included, *inter alia*, a statement that Dr. A Zeiler and V.J. Schultz have authorization to act on behalf of assignee as stated in the statement, and the assignee consents to the correction of inventorship to the above application.

DISCUSSION

A review of the renewed request reveals that applicants have satisfied item (3) of 37 CFR 1.497(d) as Dr. A Zeiler and V.J. Schultz have authority to act on behalf of the assignee. As such, the assignee consents to the addition of Hans-Juergen MANN and David SHAFER as co-inventors and the assignee has filed the requisite papers establishing its right to take action under 37 CFR §3.73(b) as the executed assignment as been provided.

Accordingly, applicant is deemed to satisfy requirements (1), (2), and (3) under 37 CFR 1.497(d).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing consistent with this decision. The 35 USC 371 (c)(1), (c)(2), and (c)(4) date of this application is **15 October 2007**.



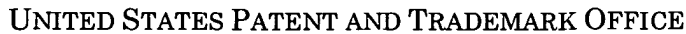
Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

Facsimile: (571) 273-0459



Patent No : 7,610,891 B2
Ser. No. : 11/578,170
Inventor(s) : Martin Seufert, et. al.
Issued : November 3, 2009

By mail: **Mail Stop PETITIONS**
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By hand: Customer Service Window
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401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Richard H. Tushin
1300 I Street, NW, Suite 300 West
Washington, DC 20005

ej

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 4/13/2011 Paper No.:
 TO SPE OF : ART UNIT 1771
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/578237 Patent No.: 7892423 B2
 CofC mailroom date: 4/4/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Approved | All changes apply. |
| <input type="checkbox"/> Approved in Part | Specify below which changes do not apply. |
| <input type="checkbox"/> Denied | State the reasons for denial below. |

Comments: Approved

/Glenn Caldarola/ SPE 1771

SPE

Art Unit



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BioTechnology Law Group
c/o PortfoloIP
P.O.Box 52050
Minneapolis MN 55402

MAILED

AUG 12 2010

OFFICE OF PETITIONS

In re Application of
John N. Burr, III et al.
Application No. 11/578,285
Filed: August 9, 2007
Attorney Docket No. **JNB-1001-US**

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed July 7, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that Daniel M. Chambers or any attorneys/agents associated with the above-identified application does not have power of attorney or was ever given power of attorney in this patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the address of record until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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SCULLY, SCOTT, MURPHY & PRESSER, P.C.
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Patent No. 7,680,450 :
Issue Date: March 16, 2010 :
Application No. 11/578,339 :
Filed: October 12, 2006 :
Attorney Docket No. 19817 :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989).** Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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MAYER BROWN LLP
P.O. Box. 2828
Chicago IL 60690

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Young-Sik Shin	:	DECISION ON PETITION
Application No. 11/578,377	:	TO WITHDRAW
Filed: January 23, 2007	:	FROM RECORD
Attorney Docket No. 127236-06126158	:	

This is a decision on the request to withdraw as attorney of record under 37 CFR § 1.36(b), filed August 5, 2010.

The request is **NOT APPROVED**.

The request cannot be approved because the attorney cannot withdraw attorneys' individually when the power of attorney was originally granted by Customer Number in the Declaration and Power of Attorney filed January 23, 2007. It is also noted that the change in correspondence address is improper.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

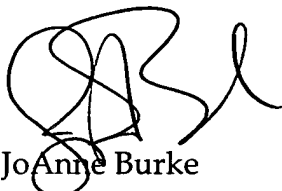
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

The assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, the statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement

specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', with a stylized, cursive script.

JoAnne Burke
Petitions Examiner
Office of Petitions



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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON, DC 20004-2128

MAILED

AUG 16 2010

In re Application of	:	OFFICE OF PETITIONS
Majid Shahbazi	:	
Application No. 11/578,420	:	DECISION ON PETITION
Filed: October 13, 2006	:	TO WITHDRAW
Attorney Docket No. 039996-002000	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR. § 1.36(b), filed July 8, 2010.

The request is **NOT APPROVED** as moot.

A review of the file record indicates that the power of attorney to attorneys/agents associated with Customer Number 22204 has been revoked by the applicants of the patent application on June 29, 2010. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-4584.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions

cc: Patent Capital Group
6119 McCommas Blvd
Dallas TX 75214



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15900 VALLEY VIEW COURT
SYLMAR CA 91392-9221

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Application of :
Patrick Schauerte :
Application No. 11/578442 :
Filing or 371(c) Date: 07/24/2007 :
Attorney Docket Number: :
A06P5001 : **ON PETITION**

This is a decision on the "Petition for Revival of an Application for Patent Unavoidably Abandoned Under 37 CFR 1.137(a)", filed March 16, 2011. The petition is properly treated as a petition to withdraw holding of abandonment based upon nonreceipt of an Office action under 37 C.F.R. § 1.181 (No Fee Required).

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed October 8, 2009. The Office action set a three (3) month period for reply. No reply having been received, the application became abandoned on January 9, 2010. A Notice of Abandonment was mailed May 25, 2010.

With the present petition, Applicant has demonstrated non-receipt of the Office action by a preponderance of the evidence.

In view of the foregoing, the holding of abandonment is hereby withdrawn. No petition fee has been charged and none is due.

The application will be referred to 3766 for processing of the reply to the Office action filed with the present petition.

Telephone inquiries concerning this Decision only should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NY 10023

MAILED
DEC 08 2010
OFFICE OF PETITIONS

In re Application of :
Ferdinand Mannle, et al. :
Application No. 11/578, 471 : **DECISION ON PETITION**
Filed: July 24, 2007 :
Attorney Docket No. U 016539-7 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2010 to revive the above-identified application.

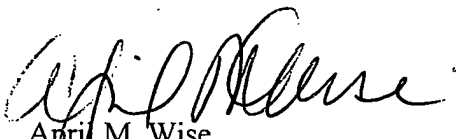
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 22, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, (3) a proper statement of unintentional delay and (4) a terminal disclaimer and fee as required by 37 CFR 1.137 (d) .

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1796 for appropriate action by the Examiner in the normal course of business on the reply received October 14, 2010.


April M. Wise
Petitions Examiner
Office of Petitions



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SALTAMAR INNOVATIONS
1 Mathewson Road
Barrington RI 02806

MAILED

In re Application of
RICHBERG et al
Application No.: 11/578,481
PCT No.: PCT/US05/12550
Int. Filing Date: 14 April 2005
Priority Date: 14 April 2004
Attorney's Docket No.: 5569-3
For: METHOD AND ... USERS

: DECISION ON JUN 28 2011
:
:
: PCT LEGAL ADMINISTRATION
:
: PETITION UNDER
:
: 37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 29 April 2011.

BACKGROUND

On 14 April 2005, this international application was filed, claiming an earliest priority date of 14 April 2004. The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 14 October 2006.

On 13 October 2006, applicant filed a Transmittal letter for entry into the national stage in the United States Patent and Trademark Office (USPTO), which was accompanied by, the basic national fee. No executed declaration or oath was filed at such time.

On 05 August 2008, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the oath or declaration complying with 37 CFR 1.497(a) and (b), identifying the application by the International application number and International filing date must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond, and that failure to properly respond would result in abandonment.

On 13 May 2009, the USPTO mailed applicant a Notification of Abandonment (Form PCT/DO/EO/909) indicating the applicants have failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 08/05/2008 within the time period set therein.

On 29 April 2011, applicants filed the instant petition under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

The petition is deemed to satisfy items (2) - (4) but not item (1) under 37 CFR 1.137(b).

Petitioner has provided: (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Petitioner, however, has not provided: (1) the proper reply by submitting a proper executed declaration because the declaration filed under PCT 4.17(iv) was improper as the declaration was filed subsequent to filing the PCT Request and the 4.17(iv) declaration did not contain the PCT application number as required when it is filed after filing the PCT Request. Note PCT Rule 26ter.

Consequently, the petition is deemed to not to satisfy item (1) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office .
Telephone: (571) 272-3276
Facsimile: (571) 272-0459



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1 Mathewson Road
Barrington RI 02806

MAILED

OCT 06 2011

PCT LEGAL ADMINISTRATION

In re Application of
RICHBERG et al
Application No.: 11/578,481
PCT No.: PCT/US05/12550
Int. Filing Date: 14 April 2005
Priority Date: 14 April 2004
Attorney's Docket No.: 5569-3
For: METHOD AND ... USERS

: DECISION ON
:
:
:
: PETITION UNDER
:
:
: 37 CFR 1.137(b)

This decision is responsive to applicants' "RENEWED PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION UNDER RULE 1.137(a)" filed on 09 August 2011 requesting the acceptance of the executed declaration as the proper response.

BACKGROUND

In a decision from this Office on 28 June 2011, the declaration submitted was not accepted because it did not comply with PCT rule 4.17(iv) as the executed declaration was filed after the Request was filed.

On 09 August 2011 applicants submitted a renewed petition under 37 CFR 1.137(b) submitting a proper executed declaration.

DISCUSSION

The declaration filed on 09 August 2011 is a properly executed declaration that satisfies the conditions set forth under 37 CFR 1.497(a) and (b).

DECISION

The petition is **GRANTED.**

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing.

A handwritten signature in black ink, appearing to read 'R. Bacares', written in a cursive style.

Rafael Bacares
PCT Legal Examiner
PCT Legal Examiner
Work (703) 308-6312
Fax (703) 308-6459



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FEB 15 2011

OFFICE OF PETITIONS

**LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731**

Patent No. 7,709,986	:	
Issue Date: May 4, 2010	:	
Application No. 11/578,622	:	ON PETITION
Filed: January 5, 2007	:	
Attorney Docket No. 254426	:	

This is a decision on the petition filed September 21, 2010, under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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RATNERPRESTIA
P.O. BOX 980
VALLEY FORGE, PA 19482

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of Antoine et al.	:	
Application No. 11/578,678	:	Decision on Petition
371(c) Date: September 19, 2007	:	
Attorney Docket No. AAT-110US	:	

This is a decision on the petition filed January 5, 2012, under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter titled "Renewed Petition under 37 CFR 1.181."

The Office mailed a non-final Office action on May 23, 2011, which set a three-month shortened statutory period for reply. The Office did not receive a response to the May 23, 2011 Office action. As a result, the application became abandoned on August 24, 2011. The Office mailed a Notice of Abandonment on December 22, 2011.

The instant petition was filed January 5, 2012. The petition requests the Office withdraw the holding of abandonment based on non-receipt of the Office action.

The petition alleges the Office action was not received at the address associated with Customer No. 52473, while at the same time, alleging the Office action was not received at the address of record. In other words, the petition appears to be based on an assumption the address of record was the address associated with Customer No. 52473.

An Application Data Sheet ("ADS") filed September 19, 2007, instructs the Office to send correspondence involving the application to the address associated with Customer No. 52474. As a result, the address of record at the time the Office action was mailed was the address associated with Customer No. 52474.

The Office mailed the Office action to the address associated with Customer No. 52474, and the petition fails to establish the Office action was never delivered to the address associated with Customer No. 52474. Therefore, the holding of abandonment will not be withdrawn.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply to the outstanding Office action, the required petition fee (\$1,860 for a large entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

A copy of a PDF "fillable" petition under 37 CFR 1.137(b) form can be found at:
<http://www.uspto.gov/web/forms/sb0064.pdf>.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.¹
Document Code "PET.OP" should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of papers mailed May 23, 2011

¹ General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/578,726	10/18/2006	Yasushi Sutoh	297521US28PCT	6653
22850 7590 12/01/2011 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER BURGESS, RAMYA PRAKASAM	
			ART UNIT	PAPER NUMBER
			3651	
			NOTIFICATION DATE	DELIVERY MODE
			12/01/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdoCKET@oblon.com
oblonpat@oblon.com
jgardner@oblon.com



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NOV 30 2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of	:	
Yasushi SUTOH	:	DECISION ON PETITION
Application No. 11/578,726	:	UNDER 37 CFR §1.181
Filed: October 18, 2006	:	
For: PRINTING MEDIUM CONVEYING	:	
APPARATUS AND PRINTING MEDIUM	:	
CONVEYING METHOD	:	

This is a decision on applicant's petition under 37 CFR 1.181 filed October 7, 201 requesting consideration of the Information Disclosure Statement filed January 2, 2008.

The petition is **DISMISSED AS MOOT**.

A review of the file record revealed that the examiner considered the Information Disclosure Statement. A copy of the form 1449 is attached herein.

Any questions regarding this decision should be directed to Quality Assurance Specialist Lanna Mai at (571) 272-6867.

David L. Talbot, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5150

dt/lm: 11/8/11

LM

attachment: Form PTO-1449

Form PTO 1449 (Modified)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTY DOCKET NO. 297521US28PCT		SERIAL NO. 11/578,726	
LIST OF REFERENCES CITED BY APPLICANT				APPLICANT Yasushi SUTOH			
				FILING DATE October 18, 2006		GROUP	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE	
/R.B./	AA	6,640,157 B2	10/28/2003	John Thomas WRITT, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION YES NO			
/R.B./	AO	JP 8-95434	4/12/1996	Japan (with English Abstract)			X
	AP						
	AQ						
	AR						
	AS						
	AT						
	AU						
	AV						
OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)							
	AW						
	AX						
	AY						
	AZ					<input type="checkbox"/> Additional References sheet(s) attached	
Examiner /Ramya Burgess/				Date Considered 11/02/2011			
<small>*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</small>							



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K&L Gates LLP
1900 Main Street, Suite 600
Irvine, CA 92614-7319

MAILED

JAN 10 2011

OFFICE OF PETITIONS

In re Application of	:	
Mark Klein	:	
Application No. 11/578,741	:	DECISION ON PETITION
Filed: July 30, 2007	:	TO WITHDRAW
Attorney Docket No. 41885-501N01US	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 3, 2010.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to K & L Gates LLP has been revoked by the assignee of the patent application on December 23, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **MINTZ, LEVIN, COHN, FERRIS,**
GLOVSKY AND POPEO, P.C.
One Financial Center
Boston, MA 02111



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THE DOW CHEMICAL COMPANY
P.O. BOX 1967
2040 DOW CENTER
MIDLAND MI 48641

MAILED

MAR 3 1 2011

In re Application of
Samuel Ethiopia et al.
Application No. 11/578,760
Filed: October 16, 2006
Attorney Docket No: 63281B US

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed March 1, 2011 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed June 7, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned September 8, 2010. Accordingly, a Notice of Abandonment was mailed December 17, 2010.

This matter is being referred to Technology Center 1765 for appropriate action on the amendment filed March 1, 2011.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

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SEP 20 2010

OFFICE OF PETITIONS

In re Application of	:	
Ingo Huettner	:	
Application No. 11/578,815	:	DECISION ON PETITION
Filed: October 19, 2006	:	
Attorney Docket No. PD040038	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 21, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 22, 2009. A Notice of Abandonment was mailed on February 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay. Accordingly, the amendment is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to Technology Center AU 2457 for appropriate action by the Examiner in the normal course of business on the reply received July 16, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MCDERMOTT WILL & EMERY LLP
600 13TH STREET, NW
WASHINGTON DC 20005-3096

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APR 18 2011

OFFICE OF PETITIONS

In re Patent No. 7,816,038	:	
Issue Date: 10/19/2010	:	
Application Number: 11/578,964	:	ON PETITION
Filing or 371(c) Date: 06/22/2007	:	
Attorney Docket Number: 043888-0536	:	

This is a decision on the request under 37 CFR 3.81(b),¹ filed on March 3, 2011, to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Receipt of the processing fee of \$130.00 required by § 1.17(h), and the certificate of correction fee of \$100.00 required by § 1.20(a) are acknowledged.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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Paper No.

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED

JAN 03 2011

In re Application of : **OFFICE OF PETITIONS**
Lehr :
Application No. 11/579,045 : **DECISION ON PETITION**
Filed: October 30, 2006 : **PURSUANT TO**
Attorney Docket No.: : **37 C.F.R. § 1.137(B)**
PD040058 :
Title: RECORDING OR PLAYBACK :
APPARATUS FOR OPTICAL :
RECORDING MEDIA WITH A LASER :
DIODE CIRCUIT :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 9, 2010, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed March 5, 2010, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested. Accordingly, the above-identified application became abandoned on June 6, 2010. A notice of abandonment was mailed on October 15, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

§ 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted an amendment, the petition fee, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision, and jurisdiction over this application is transferred to the Technology Center, so that the application may receive further processing. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on December 9, 2010 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

concerning this application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MADISON WI 53701-1497

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NOV 09 2011

OFFICE OF PETITIONS

In re Application of :
Coupez et al. :
Application No. 11/579078 : ON REQUEST FOR
Filing or 371(c) Date: 12/21/2007 : RECONSIDERATION OF
Atty Docket No.: : PATENT TERM ADJUSTMENT
088245-6096 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b), filed October 20, 2011. Applicant submits that the proper patent term adjustment to be indicated on the patent is 771 days, not five hundred thirty-five (535) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

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OFFICE OF PETITIONS

In re Application of
Schmouker, et al.
Application No. 11/579,225
Filed: October 31, 2006
Attorney Docket No. PF040041
For: METHOD AND APPARATUS FOR
USER REPRODUCING A USER-
PREFERRED DOCUMENT OUT OF A
PLURALITY OF DOCUMENTS

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:

ON PETITION

This is a decision on the petition, filed January 31, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the June 15, 2010 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on September 16, 2010.

Applicants have submitted an amendment in reply to the June 15, 2010 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 15, 2010 non-final Office action, and the \$1620.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 2169 for consideration of the amendment filed on January 31, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

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OCT 06 2010

OFFICE OF PETITIONS

In re Patent 7,692,170
Issued: April 6, 2010
Application No. 11/579,256
Filed: February 12, 2007
Attorney Docket No. 0034.1003

ON PETITION

This is a decision on the renewed petition, filed March 19, 2010, which is being treated as a petition under 37 CFR 1.181 in which petitioner is seeking a Request For Reconsideration of the March 17, 2010 petition decision in the above-identified application.

The petition is **DISMISSED**.

Petitioner contends that "I was made an attorney of record, if not by name then under the customer number of the firm with whom I was associated at the time and my withdrawal from that firm and my change of address changed nothing in this respect." However, as stated in the November 28, 2008 petition decision "George H. Spencer is not part of Customer Number 49455." It is clear that since Mr. Spencer had previously withdrawn from the law firm, Stein, McEwen & Bui, LLP, he was also withdrawn from the customer Number 49455. Consequently, Mr. Spencer was no longer power of attorney for the above-identified application at the time Mr. McEwen submitted the March 15, 2007 Request for Withdrawal As Attorney or Agent and Change of Correspondence Address Pursuant to 37 CFR 1.36(B).

Petitioner further contends that according to Mr. McEwen instructions "at the election of the assignee, Mr. Spencer retains a power of attorney of attorney for the instant application after his departure." However, according to USPTO regulations and procedures regarding Customer Number Practice, even if Mr. Spencer had been an attorney of record at the time Mr. McEwen submitted the March 15, 2007 Request To Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), Mr. Spencer would not have retained power of attorney in the above-identified application since the practitioners were appointed by Customer Number 49,455 upon filing the Combined Declaration For Patent Application and Power of Attorney on February 12, 2007 and the Request to remove the practitioners must reflect withdrawal of practitioners associated with same Customer Number. Since Mr. McEwen requested withdrawal of practitioners associated with Customer Number 49,455, all practitioners associated with that Customer Number were withdrawn as power of attorney on November 28, 2008. Therefore, had Mr. Spencer been on the Customer Number 49,455 he would have also been withdrawn at that time.

MPEP 403 states:

I. CUSTOMER NUMBER PRACTICE

A Customer Number (previously a "Payor Number") may be used to:

(A) designate the correspondence address of a patent application or patent such that the correspondence address for the patent application or patent would be the address associated with the Customer Number (37 CFR 1.32(a)(i));

(B) designate the fee address (37 CFR 1.363) of a patent such that the fee address for the patent would be the address associated with the Customer Number (37 CFR 1.32(a)(ii)); and

(C) submit a list of practitioners such that those practitioners associated with the Customer Number would have power of attorney (37 CFR 1.32(a)(iii)).

Thus, a Customer Number may be used to designate the address associated with the Customer Number as the correspondence address of an application (or patent) or the fee address of a patent, and may also be used to submit a power of attorney in the application (or patent) to the registered practitioners associated with the Customer Number.

The association of a list of practitioners with a Customer Number will permit an applicant to appoint all of the practitioners associated with the Customer Number merely by reference to the Customer Number in the Power of Attorney (i.e., without individually listing the practitioners in the Power of Attorney). The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number by submitting a corresponding "Request for Customer Number Data Change" (PTO/SB/124) will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest of the applicant who appointed all of the practitioners associated with such Customer Number. This will avoid the necessity for the filing of additional papers in each patent application affected by a change in the practitioners of the law firm prosecuting the application. The appointment of practitioners associated with a Customer Number is optional, in that any applicant may continue to individually name those practitioners to represent the applicant in a patent application, so long as fewer than ten patent practitioners are named. See 37 CFR 1.32(c)(3).

The Customer Number practice does not affect the prohibition against, and does not amount to, an appointment of a law firm (rather than specified practitioners). The Office prohibits an appointment of a specified law firm because the Office cannot ascertain from its records whether a particular practitioner submitting a paper to the Office is associated with the law firm specified in an appointment. The Office will permit an appointment of all of the practitioners associated with a specified Customer Number because the Office can ascertain from its records for the specified Customer Number whether a particular practitioner is associated with that Customer Number.

As the Office will not recognize more than one correspondence address (37 CFR 1.33(a)), any inconsistencies between the correspondence address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application will generally be resolved in favor of the address of the Customer Number. Due to the prohibition against dual correspondence in an application (37 CFR 1.33(a)), an applicant will be permitted to provide only a single number at a time as the Customer Number for the correspondence address.

Where an applicant appoints all of the practitioners associated with a Customer Number as well as a list of individually named practitioners, such action would be treated as only an appointment of all of the practitioners associated with a Customer Number due to the potential for confusion and data entry errors in entering registration numbers from plural sources. Furthermore, Office computer systems do not allow for entry of both a power of attorney to a list of practitioners associated with a Customer Number and a list of practitioners.


Although Customer Numbers are designed to designate both a correspondence address and to associate one or more patent practitioners with an application, one Customer Number may be used for the correspondence address, and another Customer Number may be used for the power of attorney. [Emphasis Added]

Further, petitioner contends that "It should be noted that third paragraph of the Decision of November 28, 2008, states that a grantable request to withdraw as attorney/agent must be signed by every attorney/agent seeking to withdraw." However, the petition Decision of November 28, 2008, clearly states that "A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw **or contain a clear indication that one attorney is signing on behalf of another/others.**" Mr. McEwen withdrew himself and signed on behalf of "the practitioners associated with a customer number 49,455." Thus, the Decision of November 28, 2008 was proper when stating "All attorneys/agents of record associated with Customer Number 49455 have been withdrawn. George H. Spencer is not part of Customer Number 49455. Applicant is reminded that there is no attorney of record at this time."

Finally, as to the Correspondence Address of record, it was submitted by Mr. McEwen on March 15, 2007 and therefore all communication from the Office will continue to be directed to the address indicated above until otherwise properly notified by the applicant.

Currently, the above-identified application issued as Patent No. 7,692,170 on April 6, 2010.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.



David Bucco
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Patent 7,692,170
Issued: April 6, 2010
Application No. 11/579,256
Filed: February 12, 2007
Attorney Docket No. 0034.1003

ON PETITION

This is a decision on the second renewed petition, filed October 14, 2010, which is being treated as a petition under 37 CFR 1.181 in which petitioner is seeking a Request For Reconsideration of the October 6, 2010 petition decision in the above-identified application.

The petition is **DISMISSED**.

Petitioner asserts that "once an individual attorney has been appointed by the applicant and thus made an attorney of record, there is nothing to support the conclusion that the power ceases to be effective in the event the attorney withdraws from the firm to whom the Customer Number had assigned" and further, "the mere withdrawal of the attorney from the firm simply does not revoke the originally given power of attorney." However, according to Customer Number practice, the addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number by submitting a corresponding "Request for Customer Number Data Change" (PTO/SB/124) will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest of the applicant who appointed all of the practitioners associated with such Customer Number. Accordingly, prior to the Request for Withdrawal as Attorney of the practitioners associated with Customer Number 49455, filed by Mr. McEwen on March 15, 2007, George H. Spencer was not part of Customer Number 49455 and therefore was not power of attorney in the above-identified application at least as of March 15, 2007. Mr. Spencer was withdrawn from Customer Number 49455 by the law firm, Stein, McEwen & Bui, LLP. Consequently, Mr. Spencer was no longer power of attorney for the above-identified application at the time Mr. McEwen submitted the March 15, 2007 Request for Withdrawal As Attorney or Agent and Change of Correspondence Address Pursuant to 37 CFR 1.36(B).

Petitioner further contends that "simply because a properly appointed attorney withdraws from the firm that carries the Customer Number under which the attorney was appointed, this does not mean that that attorney's appointment ceases to be effective." However, according to USPTO regulations and procedures regarding Customer Number Practice, even if Mr. Spencer had been an attorney of record at the time Mr. McEwen submitted the March 15, 2007 Request To Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), Mr. Spencer would not have retained power of attorney in the above-identified

application since the practitioners were appointed by Customer Number 49455 upon filing the Combined Declaration For Patent Application and Power of Attorney on February 12, 2007 and the Request to remove the practitioners must reflect withdrawal of practitioners associated with same Customer Number. Since Mr. McEwen requested withdrawal of practitioners associated with Customer Number 49455, all practitioners associated with that Customer Number were withdrawn as power of attorney on November 28, 2008. Therefore, had Mr. Spencer been on the Customer Number 49455 he would have also been withdrawn at that time. Currently, there is no attorney of record in the above-identified application as established in the November 28, 2008 petition decision.

MPEP 403 states:

I. CUSTOMER NUMBER PRACTICE

A Customer Number (previously a "Payor Number") may be used to:

(A) designate the correspondence address of a patent application or patent such that the correspondence address for the patent application or patent would be the address associated with the Customer Number (37 CFR 1.32(a)(*>5<)(i));

(B) designate the fee address (37 CFR 1.363) of a patent such that the fee address for the patent would be the address associated with the Customer Number (37 CFR 1.32(a)(*>5<)(ii)); and

(C) submit a list of practitioners such that those practitioners associated with the Customer Number would have power of attorney (37 CFR 1.32(a)(*>5<)(iii)).

Thus, a Customer Number may be used to designate the address associated with the Customer Number as the correspondence address of an application (or patent) or the fee address of a patent, and may also be used to submit a power of attorney in the application (or patent) to the registered practitioners associated with the Customer Number.

The association of a list of practitioners with a Customer Number will permit an applicant to appoint all of the practitioners associated with the Customer Number merely by reference to the Customer Number in the Power of Attorney (i.e., without individually listing the practitioners in the Power of Attorney). The addition and/or deletion of a practitioner from the list of practitioners associated with a Customer Number by submitting a corresponding "Request for Customer Number Data Change" (PTO/SB/124) will result in the addition or deletion of such practitioner from the list of persons authorized to represent any applicant or assignee of the entire interest of the applicant who appointed all of the practitioners associated with such Customer Number. This will avoid the necessity for the filing of additional papers in each patent application affected by a change in the practitioners of the law firm prosecuting the application. The appointment of practitioners associated with a Customer Number is optional, in that any applicant may continue to individually name those practitioners to represent the applicant in a patent application, so long as fewer than ten patent practitioners are named. See 37 CFR 1.32(c)(3).

The Customer Number practice does not affect the prohibition against, and does not amount to, an appointment of a law firm (rather than specified practitioners). The Office prohibits an appointment of a specified law firm because the Office cannot ascertain from its records whether a particular practitioner submitting a paper to the Office is associated with the law firm specified in an appointment. The Office will permit an appointment of all of the practitioners associated with a specified Customer Number because the Office can ascertain from its records for the specified Customer Number whether a particular practitioner is associated with that Customer Number.

As the Office will not recognize more than one correspondence address (37 CFR 1.33(a)), any inconsistencies between the correspondence address resulting from a Customer Number being provided in an application for the correspondence address and any other correspondence address provided in that application *>will generally< be resolved in favor of the address of the Customer Number. Due to the prohibition against dual correspondence in an application (37 CFR 1.33(a)), an applicant will be permitted

to provide only a single number at a time as the Customer Number for the correspondence address.


Where an applicant appoints all of the practitioners associated with a Customer Number as well as a list of individually named practitioners, such action would be treated as only an appointment of all of the practitioners associated with a Customer Number due to the potential for confusion and data entry errors in entering registration numbers from plural sources. Furthermore, Office computer systems do not allow for entry of both a power of attorney to a list of practitioners associated with a Customer Number and a list of practitioners.

Although Customer Numbers are designed to designate both a correspondence address and to associate one or more patent ~~**>~~practitioners< with an application, one Customer Number may be used for the correspondence address, and another Customer Number may be used for the power of attorney. [Emphasis Added]

Additionally, a grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw **or contain a clear indication that one attorney is signing on behalf of another/others.** Mr. McEwen withdrew himself and signed on behalf of "the practitioners associated with a customer number 49455." Thus, the Decision of November 28, 2008 was proper when stating "All attorneys/agents of record associated with Customer Number 49455 have been withdrawn. George H. Spencer is not part of Customer Number 49455. Applicant is reminded that there is no attorney of record at this time." Again, currently there remains no attorney of record in the above-identified application as established in the November 28, 2008 petition decision.

Currently, the above-identified application issued as Patent No. 7,692,170 on April 6, 2010.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.


David Bucci
Petitions Examiner
Office of Petitions



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PCT LEGAL ADMINISTRATION

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

In re Application of	:	
BARBREAU et al.	:	
Serial No.: 11/579,383	:	DECISION ON
PCT App. No.: PCT/FR05/01101	:	
Int'l Filing Date: 03 May 2005	:	PETITION TO WITHDRAW
Priority Date: 05 May 2004	:	
Attorney Docket No.: 15675P636	:	THE HOLDING OF ABANDONMENT
For: USE OF FERROFLUIDS FOR PHENO-	:	
TYPING BLOOD AND RELATED APPLICATIONS	:	

This is a decision on applicant's "Response to Notification of Abandonment and Request to Withdraw Notice of Abandonment" filed on 23 September 2010. It is also responsive to applicant's "Petition to Withdraw Holding of Abandonment" filed on 10 December 2010 and on 10 January 2011 in the US Patent and Trademark Office.

BACKGROUND

The procedural history of this application was set forth in the decision mailed on 24 August 2009. The decision granted applicant's request to withdraw the holding of abandonment for failure to receive an Office action and instructed the United States Designated/Elected Office to issue a new Notification of Missing Requirements. However, thereafter, the USPTO erroneously issued a number (13) of Notices of Abandonment to applicant.

On 10 September 2010, a Notification of Defective Response (Form PTO/DO/EO/916) was mailed to applicant indicating, *inter alia*, that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) was required. On 23 September 2010, applicant filed a response.

DISCUSSION

In light of the decision mailed on 24 August 2009, the Notices of Abandonment mailed on 10 September, 13 September, 01 October, 13 October and 28 October, 12 November, 01 December and 13 December 2010 were erroneously issued and are hereby VACATED.

On 23 September 2010, in response to the 916, applicant submitted a newly executed declaration by ARNAUD BOULET and ALEXIS DELANCE because the declaration filed on 04 June 2009 had been altered and was not acceptable. The newly executed declaration is in

compliance with 37 CFR 1.497(a) and (b) and satisfies the requirements of 35 U.S.C. 371 (c)(4) for entrance into the national stage in the United States.

Applicant's request for refund of the petition to revive fee of \$540 is granted. The fees (\$540) charged on 10 December 2010 and on 10 January 2011 will be refunded to applicant's deposit account.¹

CONCLUSION

Applicant's "Response to Notification of Abandonment and Request to Withdraw Notice of Abandonment" filed on 23 September 2010 is **GRANTED**. Applicant's "Petition to Withdraw Holding of Abandonment" filed on 10 December 2010 and on 10 January 2011 is **GRANTED**.

The Notices of Abandonment (Form PCT/DO/EO/909) mailed on 10 September, 13 September, 01 October, 13 October, 28 October, 12 November, 01 December, and 13 December 2010 are hereby VACATED.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is 23 September 2010.

/Cynthia M. Kratz/
Cynthia M. Kratz
Attorney Advisor
PCT Legal Office
Office of PCT Legal Administration

Telephone:(571) 272-3286
Facsimile: (571) 272-0459

¹ The 17 August 2010 request for refund of the petition to revive fee (\$540) paid on 04 June 2009 was refunded on 10 September 2010.



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DEC 08 2010

OFFICE OF PETITIONS

In re Application of :
Noam Noy, et al. :
Application No. 11/579,468 : DECISION GRANTING PETITION
Filed: May 29, 2008 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 12808.0022USWO :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 7, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 16, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2886 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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455 Mission Bay Blvd., South, Suite 100
San Francisco, CA 94158

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DEC 30 2011

PCT LEGAL ADMINISTRATION

In re Application of :
MCMANUS *et al* :
U.S. Application No.: 11/579,475 :
PCT No.: PCT/US2005/015145 :
Int. Filing Date: 03 May 2005 :
Priority Date: 03 May 2004 :
Attorney Docket No.: SHE0082.00 :
For: POLYMER DERIVATIVES :
COMPRISING AN IMIDE BRANCHING :
POINT :

DECISION

This is a decision on the petition under 37 CFR 1.78(a)(6), filed 17 November 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6). In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(I) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title. However, the reference to add the provisional application is improper. An incorporation by reference statement added after an

application's filing date is not effective because no new matter can be added to an application after its filing date (see 35 U.S.C. § 132(a)). Petitioners' attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, *supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. See In re deSeversky, *supra*. Note also MPEP 201.06(c)(IV).

Before the petition under 37 CFR § 1.78(a)(6) can be granted, a substitute amendment (complying with 37 CFR 1.121) removing the improper incorporation by reference statement must be provided, along with a renewed petition under 37 CFR 1.78(a)(6), is required.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration



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San Francisco, CA 94158

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MAR 27 2012

PCT LEGAL ADMINISTRATION

In re Application of
MCMANUS *et al*
U.S. Application No.: 11/579,475
PCT No.: PCT/US2005/015145
Int. Filing Date: 03 May 2005
Priority Date: 03 May 2004
Attorney Docket No.: SHE0082.00
For: POLYMER DERIVATIVES
COMPRISING AN IMIDE BRANCHING
POINT

DECISION

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed 16 February 2012 to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application set forth in the concurrently filed amendment.

The renewed petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6). In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Here, applicants provided a reference to the prior-filed provisional application in the form of an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(5)(iii). The surcharge fee required by 37 CFR 1.17(t) was

previously provided. However, the renewed petition does not comply with item (3) as applicants did not provide a statement of unintentional delay.

The statement filed with the initial petition is unacceptable in that it indicated that "the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and November 17, 2011, was unintentional." A proper claim was not filed until 16 February 2012.

Before the petition under 37 CFR § 1.78(a)(6) can be granted, applicants must provide an updated statement meeting the requirements of item (3) above.

Any further correspondence with respect to this matter may be filed electronically via the USPTO EFS-Web, by facsimile to the Office of PCT Legal Administration at (571) 273-04559, or if mailed addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Any questions concerning this decision may be directed to James Thomson at (571) 272-3302.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 27,2011

In re Application of :

Martin Munzer

Application No : 11579485

Filed : 25-Jan-2008

Attorney Docket No : 026939-00036

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed May 27,2011

The request is **APPROVED**.

The request was signed by Seth Barney (registration no. 61187) on behalf of all attorneys/agents associated with Customer Number 4372 . All attorneys/agents associated with Customer Number 4372 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with correspondence address:

Name Martin MUNZER

Name2

Address 1 6569 NW 103 Terrace

Address 2

City Parkland

State FL

Postal Code 33076

Country US

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11579485	
Filing Date	25-Jan-2008	
First Named Inventor	Martin Munzer	
Art Unit	1631	
Examiner Name	LARRY RIGGS II	
Attorney Docket Number	026939-00036	
Title	Method And System For Comprehensive Knowledge-Based Anonymous Testing And Reporting, And Providing Selective Access To Test Results And Report	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number: 4372		
The reason(s) for this request are those described in 37 CFR: 10.40(c)(1)(vi)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71:		
Name	Martin MUNZER	
Address	6569 NW 103 Terrace	
City	Parkland	
State	FL	
Postal Code	33076	
Country	US	

I am authorized to sign on behalf of myself and all withdrawing practitioners.

Signature	/Seth Barney/
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Name	Seth Barney
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Registration Number	61187
---------------------	-------



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Alexandria, VA 22313-1450
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ROHM AND HAAS COMPANY
PATENT DEPARTMENT
100 INDEPENDENCE MALL WEST
PHILADELPHIA, PA 19106-2399

MAILED
AUG 02 2010
OFFICE OF PETITIONS

In re Application of
Wolfgang Hoell, et al.
Application No. 11/579,489
Filed: August 27, 2007
Attorney Docket No. A01995

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: DECISION ON PETITION
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:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 25, 2010, to revive the above-identified application.


This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed September 9, 2009, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on November 10, 2009. See MPEP 1215.04.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief with fee, (2) the petition fee of \$1620, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1793 for appropriate action by the Examiner in the normal course of business on the reply received June 25, 2010.


April M. Wise
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/31/11

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction for Appl. No.: 11579517 Patent No.: 7847449

CofC mailroom date: 5/25/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: Duplicate references

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

xApproved

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Quyen Leung/

2834

SPE

Art Unit

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11579573	
Filing Date	12-Jun-2008	
First Named Inventor	Randall Jenkins	
Art Unit	1798	
Examiner Name	CHERYL JUSKA	
Attorney Docket Number	63751A WO	
Title	POLYURETHANE CARPET BACKINGS MADE USING FATTY ACID AMIDE POLYOLS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Lars Husebo/
Name	Lars Husebo
Registration Number	60965



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Decision Date : December 13, 2011

In re Application of :

Randall Jenkins

Application No : 11579573

Filed : 12-Jun-2008

Attorney Docket No : 63751A WO

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed December 13, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



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CHICAGO, IL 60604

MAILED

NOV 03 2010

PCT LEGAL ADMINISTRATION

In re Application of SCHILL et al
U.S. Application No.: 11/579,578
PCT Application No.: PCT/DE2005/000872
Int. Filing Date: 10 May 2005
Priority Date Claimed: 11 May 2004
Attorney Docket No.: 14510
For: DEVICE FOR REMOVING THE RIBS
FROM A PIECE OF A SLAUGHTER ANIMAL

DECISION

This is in response to applicant's petition filed 13 September 2010, which is being treated under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 10 May 2005, applicant filed international application PCT/DE2005/000872, which claimed priority of an earlier Germany application filed 11 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 November 2006.

On 02 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an English translation of the international application must be furnished.

On 04 August 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 13 September 2010, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition states that the Notification of Missing Requirements was never received and that a search of the practitioner's records, including any file jacket or equivalent, revealed that the Notification of Missing Requirements was not received. However, the petition does not include an adequate description of the firm's system for recording an Office action received at the correspondence address of record, establishing that the system is sufficiently reliable. Furthermore, the petition does not include a master docket report showing all replies docketed for a date two months from the mail date of the of Missing Requirements.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459



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JAN 25 2011

PCT LEGAL ADMINISTRATION

In re Application of SCHILL et al
U.S. Application No.: 11/579,578
PCT Application No.: PCT/DE2005/000872
Int. Filing Date: 10 May 2005
Priority Date Claimed: 11 May 2004
Attorney Docket No.: 14510
For: DEVICE FOR REMOVING THE RIBS
FROM A PIECE OF A SLAUGHTER ANIMAL

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DECISION

This is in response to applicant's renewed petition under 37 CFR 1.181 filed 03 January 2011.

BACKGROUND

On 10 May 2005, applicant filed international application PCT/DE2005/000872, which claimed priority of an earlier Germany application filed 11 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 November 2006.

On 02 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an English translation of the international application must be furnished.

On 04 August 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 13 September 2010, applicant filed a petition under 37 CFR 1.181.

On 03 November 2010, this Office mailed a decision dismissing the 13 September 2010 petition.

On 03 January 2011, applicant filed the instant renewed petition under 37 CFR 1.181.

DISCUSSION

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner previously stated that the Notification of Missing Requirements was never received and that a search of the practitioner's records, including any file jacket or equivalent, revealed that the Notification of Missing Requirements was not received. The renewed petition includes an adequate description of the firm's system for recording an Office action received at the correspondence address of record, establishing that the system is sufficiently reliable. However, the petition does not include a master docket report showing all replies docketed for a date two months from the mail date of the Notification of Missing Requirements. The petition states that such a master docket report cannot be generated "since it only prints out deadlines and reminders that have not yet been 'completed' yet." However, then the practitioner should provide a master docket report listing all deadlines and reminders relevant to the date two months from the mail date of the Notification of Missing Requirements. If such report contains no entries, then this would be evidence in support of the practitioner's contention that the Notification of Missing Requirements was never received.

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.181 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
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MAILED

APR 15 2011

PCT LEGAL ADMINISTRATION

In re Application of SCHILL et al
U.S. Application No.: 11/579,578
PCT Application No.: PCT/DE2005/000872
Int. Filing Date: 10 May 2005
Priority Date Claimed: 11 May 2004
Attorney Docket No.: 14510
For: DEVICE FOR REMOVING THE RIBS
FROM A PIECE OF A SLAUGHTER ANIMAL

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DECISION

This is in response to applicant's second renewed petition under 37 CFR 1.181 filed 16 February 2011.

BACKGROUND

On 10 May 2005, applicant filed international application PCT/DE2005/000872, which claimed priority of an earlier Germany application filed 11 May 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 24 November 2005. The thirty-month period for paying the basic national fee in the United States expired on 13 November 2006.

On 02 November 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 October 2007, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an English translation of the international application must be furnished.

On 04 August 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 13 September 2010, applicant filed a petition under 37 CFR 1.181.

On 03 November 2010, this Office mailed a decision dismissing the 13 September 2010 petition.

On 03 January 2011, applicant filed a renewed petition under 37 CFR 1.181.

On 25 January 2011, this Office mailed a decision dismissing the 03 January 2011 renewed petition.

On 16 February 2011, applicant filed the instant second renewed petition under 37 CFR 1.181.

DISCUSSION

MPEP 711.03(c), Section I. A., "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" states in relevant part,

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner previously stated that the Notification of Missing Requirements was never received and that a search of the practitioner's records, including any file jacket or equivalent, revealed that the Notification of Missing Requirements was not received. Furthermore, petitioner previously provided an adequate description of the firm's system for recording an Office action received at the correspondence address of record, establishing that the system is sufficiently reliable. Petitioner previously stated that it was not possible to provide a master docket report showing all replies docketed for a date two months from the mail date of the Notification of Missing Requirements because the practitioner's system "only prints out

deadlines and reminders that have not yet been 'completed' yet." The present renewed petition includes a master docket report listing all deadlines and reminders relevant to the date two months from the mail date of the Notification of Missing Requirements. Such report contains no entries relevant to a response to a Notification of Missing Requirements. Thus, it can be concluded with reasonable certainty that the practitioner never received the Notification of Missing Requirements.

CONCLUSION

For the reasons above, the second renewed petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 04 August 2008 is hereby VACATED.

The period for response to the Notification of Missing Requirements (Form PCT/DO/EO/905) is hereby restarted to begin on the mail date of this decision.

The application is being forwarded to the DO/EO/US for processing in accordance with this decision.

Bryan Lin

Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459

ATTACHMENT: copy of Notification of Missing Requirements (Form PCT/DO/EO/905)



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

Mail Date: 08/02/2010

Applicant	: Stefan Konrad	: DECISION ON REQUEST FOR
Patent Number	: 7649489	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/579,588	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/31/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **42** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/579,695	10/09/2008	Gyorgy Petrovics	HMJ-111-US	6693
39878 7590 08/19/2011 MH2 TECHNOLOGY LAW GROUP, LLP 1951 KIDWELL DRIVE SUITE 550 TYSONS CORNER, VA 22182			EXAMINER KAPUSHOC, STEPHEN THOMAS	
			ART UNIT 1634	PAPER NUMBER
			NOTIFICATION DATE 08/19/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

doreen@mh2law.com
kris@mh2law.com
sjerome@mh2law.com

AUG 19 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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In re Application of: :
Gyorgy PETROVICS, et al :
Serial No: 11/579,695 : DECISION
Filed: October 9, 2008 : ON
Attorney Docket No: HMJ-111-US : PETITION
Title: Methods and Diagnosing or Treating Prostate :
Cancer Using the Erg Gene, Alone or in
Combination with Other or Under Expressed
Genes in Prostate Cancer :

This letter is in response to the Petition under 37 C.F.R. 1.59(b) filed on May 19, 2011, to expunge information from the above identified application.

On May 12, 2011, applicants filed a reply to office action together with a Declaration pursuant to 37 CFR 1.132, responsive to the non-final office action mailed February 16, 2011. Applicants unintentionally attached the wrong document to be submitted as the Declaration. Upon discovery of the error, a telephone call was made to the EBC department and as recommended by James Witherspoon of OPIM, a subsequent letter was filed, to have the incorrect document removed (or expunged). Applicants also filed the correct Declaration on the same day.

Petitioner requests that the material titled "132-Declaration_5-12-2011" submitted to the Patent Office on May 12, 2011 be expunged and removed present application as it was unintentionally submitted and failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest, and applicants submit that the information has not otherwise been made public.

The reasons set forth in this petition establishes to the satisfaction of the Director that expungement of the information is appropriate. The file entry for the document has been closed and as such the document is no longer public available, which is the IFW equivalent to removal of a paper document from a paper file wrapper.

Therefore, petition is GRANTED.

Should there be any questions about this decision, please contact Supervisory Patent examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/Cecilia J Tsang/
Cecilia J. Tsang
Supervisory Patent Examiner, Art Unit 1654



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Alexandria, VA 22313-1450
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MAILED

SEP 23 2011

OFFICE OF PETITIONS

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

In re Patent of Keil and Kaufmann	:	
Patent No. 8,013,804	:	
Issue Date: September 13, 2011	:	Decision on Petition
Application No. 11/579,700	:	
Filing Date: November 6, 2006	:	
Attorney Docket No. ST.106T	:	

This is a decision on the request filed September 12, 2011, which is being treated as a petition under 37 C.F.R. § 1.324.

The petition is **dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 C.F.R. § 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.324."

The instant request was filed as a request under 37 C.F.R. § 1.48(b) on September 12, 2011.

The application issued as a patent on September 13, 2011.

Since the request under 37 C.F.R. § 1.48(b) was not acted upon prior to the issuance of the patent, the request will be treated as a petition under 37 C.F.R. § 1.324. *See* MPEP § 1481.02.

A petition under 37 C.F.R. § 1.324 requires:

- (1) A statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part,
- (2) A statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change,

- (3) A statement from all assignees of the parties submitting a statement under “(1)” and “(2)” agreeing to the change of inventorship in the patent (the statement must comply with the requirements of 37 C.F.R. § 3.73(b)), and
- (4) The fee set forth in 37 C.F.R. § 1.20(b).

This petition fails to satisfy requirements (2) and (3).

As to requirement (2), the petition does not include statements from Keil and Kaufmann either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change.

As to requirement (3), the petition does not include a statement from Silence Therapeutics AG.¹

In view of the prior discussion, the petition cannot be granted.

Further correspondence with respect to this matter may be submitted as follows:

By Internet: A request for reconsideration may be filed electronically using EFS Web.²
Document Code “PET.OP” should be used if the request is filed electronically.

By mail: Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

¹ Office assignment records indicate an assignment from the inventors to Science Therapeutics AG was recorded on May 23, 2008.

² General Information concerning EFS Web can be found at <http://www.uspto.gov/patents/process/file/efs/index.jsp>.



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SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
PO Box 142950
GAINESVILLE, FL 32614

MAILED
DEC 14 2011
OFFICE OF PETITIONS

In re Patent of Keil	:	
Patent No. 8,017,804	:	
Issue Date: September 13, 2011	:	Decision on Petition
Application No. 11/579,700	:	
Filing Date: November 6, 2006	:	
Attorney Docket No. ST.106T	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.324 filed October 28, 2011.

The petition requests the deletion of inventor Jorg Kaufmann as an inventor of record.

The petition is **granted**.

The Certificate of Corrections Branch will be informed of the instant decision and a certificate naming only the actual inventor will be issued in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Draft Certificate

DRAFT UNITED STATES PATENT AND TRADEMARK OFFICE
Certificate

Patent No. 8,013,804

Patented: September 13, 2011

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Oliver Keil Glienicke/Nordbahn (DE)

CHARLES STEVEN BRANTLEY
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/18/2012
 TO SPE OF : ART UNIT 1621 Sullivan Daniel (spe)
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/579700 Patent No.: 8017804

CofC mailroom date: _____

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.


Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



 Certificates of Correction Branch
 571-272-8680 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Susanna Moore/
 acting SPE

1621

SPE

Art Unit



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High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point NC 27265

MAILED

MAY 18 2011

OFFICE OF PETITIONS

In re Application of	:	
Havranek et al	:	
Application No. 11/579712	:	ON PETITION FOR
Filing or 371(c) Date: 10/09/2008	:	PATENT TERM ADJUSTMENT
Atty Docket No.:	:	
6929.204-US	:	

This is in response to the PETITION FOR PATENT TERM INDICATED IN NOTICE OF ALLOWANCE, filed April 6, 2011. Applicant requests that the Patent Term Adjustment be changed to reflect 460 days, not 152 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is

advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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High Point Pharmaceuticals, LLC
4170 Mendenhall Oaks Parkway
High Point NC 27265

MAILED

DEC 16 2011

OFFICE OF PETITIONS

In re Application of	:	
Zdenka Polivka	:	
Patent Number: 8,053,598	:	DECISION ON PETITION
Issue Date: 11/08/2011	:	REGARDING
Application No. 11/579717	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 09/11/2008	:	and
Attorney Docket No.	:	NOTICE OF INTENT TO ISSUE
6928.204-US	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on November 29, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred sixty (660) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by six hundred sixty (660) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred sixty (660) days**.

Patent No. 8,053,598

Application No. 11/579717

Page 2

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,053,598 B2

DATED : November 8, 2011

INVENTOR(S) : Polivka

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 609 days.

Delete the phrase "by 609 days" and insert – by 660 days--



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FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application :
Asberg, et al. :
Application No. 11/579,741 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: February 7, 2007 :
Dkt. No.: 097901-0103 :

This is in response to the application for patent term adjustment under 37 CFR 1.705(b), filed November 18, 2010.

Applicant submits that the correct patent term adjustment to be indicated on the patent is 630 days, not 154 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction on the basis that the Office will take in excess of three years to issue this patent.

Insofar as the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is DISMISSED as PREMATURE.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See, § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time

of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

Receipt is hereby acknowledged of the required patent term adjustment application fee under 37 CFR 1.705(b) of \$200.00. See, 37 CFR 1.18(e). As the fee is required for reconsideration of the patent term adjustment, the request for refund of the fee is dismissed.

However, any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The application file is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAILED

AUG 27 2010

OFFICE OF PETITIONS

In re Application of
Barry Sim Hochfield, et al.
Application No. 11/579,804
Filed: March 28, 2008
Attorney Docket No. 136042-1001

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 30, 2010.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Foley and Lardner, LLP has been revoked by the assignee of the patent application on August 5, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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GARDERE WYNNE SEWELL LLP
INTELLECTUAL PROPERTY SECTION
3000 THANKSGIVING TOWER
1601 ELM ST
DALLAS TX 75201-4761

MAILED
SEP 27 2011

In re Application of	:	OFFICE OF PETITIONS
Hochfield, et al.	:	
Application No. 11/579,804	:	ON PETITION
Filed: March 28, 2008	:	
Attorney Docket No. 136042-1001	:	
For: TICKETING SCHEME	:	

This is a decision on the petition, filed September 20, 2011, under 37 CFR 1.137(b) to revive the above-identified application.

The petition is **GRANTED**.

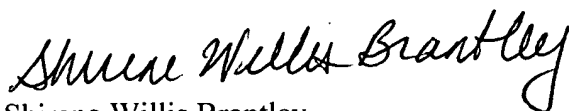
The above-identified application became abandoned for failure to timely submit a reply within three (3) months of the mailing of the March 16, 2011 non-final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on June 17, 2011. The filing of the present petition precedes the mailing of a Notice of Abandonment.

Applicants have submitted an amendment in reply to the March 16, 2011 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the March 16, 2011 non-final Office action, and the \$1,620.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3627 for consideration of the amendment filed on September 20, 2011.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/579,867	11/08/2006	Laurent Levy	BJS-3665-193	8257
23117 7590 01/25/2011 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER SCHLIENTZ, LEAH H	
			ART UNIT 1618	PAPER NUMBER
			MAIL DATE 01/25/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 25 2011

NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

In re Application of
Levy et al.
Serial No.: 11/579,867
Filed: November 8, 2006
Attorney Docket No.: 3665-193

Decision on Petition

This letter is in response to the Petition under 37 CFR 1.181 for a Complete Office Action with Date Re-Set for Response from Mailing of New Complete Action Which Affords the Applicants an Opportunity to Response to the New Election Requirement, filed on January 6, 2011 to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement.

BACKGROUND

On May 9, 2005, Applicant filed international application PCT/FR2005/01145, which designated the U.S. and claimed a priority date of May 10, 2004 to a French application. A copy of the international application was communicated to the USPTO on November 8, 2006.

It is noted that a certified copy of the French priority application, in the French Language, was submitted with the international application. However, no English language translation accompanied the priority application.

The present application was filed under 35 USC 371 on November 8, 2006 with 28 originally presented claims, wherein these claims were cancelled and replaced with 33 new claims (29-61) in a preliminary amendment.

An action setting forth a lack of unity requirement was mailed to applicants on September 27, 2007. In this Office action, the examiner restricted the pending claims into Groups I-IV, and required additional species election. A reference (the Chen I reference, U.S. 2007/01218049) was provided in the requirement to establish a lack of novelty of the product over the prior art.

On October 27, 2010, applicants elected, with traverse, the claims drawn to Group I and made appropriate species elections. Response to Election of October 27, 2010. In addition, Applicants presented an argument asserting that the Chen I reference is not a valid reference with which to break unity on the basis that the reference was predated by the foreign priority of the present application. *Id.* page 1. Along with the traversal, the Applicant presented a translation of the foreign priority reference, such that the requirements for relying on such a foreign priority application to overcome a prior art reference were satisfied.

On December 21, 2010, the examiner acknowledged the election of Group I and the species identified by the Applicant. Office Action of December 21, 2010, page 2. The examiner further considered the traversal and found applicant's arguments non-persuasive. The examiner accepted the argument that the Chen I reference was no longer valid prior art. *Id.* Page 1. However, the examiner then continued to explain that unity of invention was still broken by other teachings in the art, such as those of Chen II (U.S. 2002/0127224). *Id.* page 4. In the course of this explanation, the Examiner restated in its entirety the previously applied Unity of Invention requirement, modified such that unity was now broken by the Chen II reference, rather than the Chen I reference. There were no changes to the actual elections being required.

On January 6, 2011, Applicants filed a Petition under 37 CFR 1.181 requesting the mailing of a new unity of invention requirement providing the Applicant with an opportunity to respond thereto on the basis that the examiner had issued a new unity of invention election requirement in the action of December 21, 2010. The Applicant argues that because the new unity of invention requirement was based on different art, it was a new requirement to which the Applicant's should have been given an opportunity to respond.

DISCUSSION

The application, file history, and petition filed on August 30, 2010 to request review of the restriction requirement has been considered.

Unity of invention is applicable to national state applications submitted under 35 USC 371. See, MPEP 1893.03(d). During the national stage, a designated or elected Office will follow PCT Rules 13.1 and 13.2 when considering unity of invention of the claims.

PCT Rule 13.1 states:

The international application shall relate to one invention only or to a group of inventions so linked as to form a single general inventive concept ("requirement of unity of invention").

PCT Rule 13.2 states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In the present case, the examiner set forth the Lack of Unity, and set forth a proper basis for making the requirement: that the claims lacked unity of invention based on the teachings of the Chen I reference.

Section 20.09 of the PCT International Search and Preliminary Examination Guidelines, indicates that the examiner of a case has the responsibility to review the effect of claim amendments on a unity of invention requirement in the case. By extension, the examiner also has the duty to review whether the removal of a prior art reference may also affect the propriety of a unity of invention requirement.

In the present case, upon receipt of the documents rendering the Chen I reference inapplicable as prior art against the present claims, the examiner then had the duty to review the unity of invention requirement to determine if the requirement was still appropriate.

In doing so, the examiner in the present case found that the unity of invention requirement already applied was still appropriate based on the teachings of another reference (Chen II). The examiner then maintained the same requirement based on the lack of unity of these teachings. Thus, the examiner has not applied a new unity of invention requirement, but properly reviewed the previously applied requirement based upon the arguments and documents submitted by the Applicant during the course of prosecution.

Having done so, the examiner was not then required to give the Applicant further opportunity to respond to a unity of invention requirement for which the Applicant had already made their election. The examiner correctly indicated that the prior restriction was being maintained, and mailed a first office action on the merits based on the Applicant's response to the original unity of invention requirement.

Thus, while the examiner may be obliged to reconsider the requirement in response to further amendments and arguments presented during the course of prosecution, the examiner properly made the current requirement final with respect to the claims presented in the application.

DECISION

For these reasons above, the petition under 37 C.F.R. 1.181 is **DENIED**.

The period of reply set forth in the Office action mailed on December 21, 2010 continues to run.

Should there be any questions regarding this decision, please contact Supervisory Patent Examiner Zachariah Lucas, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.



Irem Yucel
Director, Technology Center 1600



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AKZO NOBEL INC.
LEGAL & IP
120 WHITE PLAINS ROAD, SUITE 300
TARRYTOWN, NY 10591

MAILED

OCT 04 2011

In re Application of :
Nam Hung Tran, et al. :
Application No. 11/579,889 :
Filed: November 10, 2006 :
Attorney Docket No. ACA 6342 P1US :
OFFICE OF PETITIONS
DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 3, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 16, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3742 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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P.O. Box 1450
Alexandria, VA 22313-1450
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WOOD, PHILLIPS, KATZ, CLARK & MORTIMER
500 W. MADISON STREET
SUITE 3800
CHICAGO IL 60661

MAILED

APR 09 2012

OFFICE OF PETITIONS

In re Application of
Fraser John Welch
Application No. 11/579,895
Filed: July 19, 2007
Attorney Docket No.
SPR10150P00110US

:
:
:
:
:

NOTICE

This is a notice regarding your request filed August 5, 2011, for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-4584.

JoAnne Burke
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CONTINENTAL TEVES, INC.
ONE CONTINENTAL DRIVE
AUBURN HILLS MI 48326-1581

MAILED
MAY 04 2011
OFFICE OF PETITIONS

In re Application of	:	
Thomas Oxle et al.	:	
Application No. 11/579,906	:	DECISION ON PETITION
Filed: November 08, 2006	:	
Attorney Docket No. TM037	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

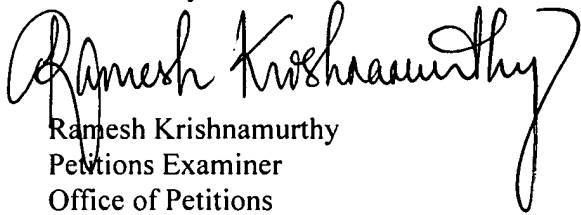
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 26, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 09, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and the required drawings, (2) the petition fee of \$1620, and (3) an adequate statement of unintentional delay. Accordingly, the reply to the non-final Office Action of June 26, 2008 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2837 for appropriate action on the concurrently filed amendment.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/579,945	12/26/2007	Tomoyoshi Kobayashi	130028	9697
25944	7590	08/10/2011		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			EXAMINER ESSEX, STEPHAN J	
			ART UNIT 1727	PAPER NUMBER
			NOTIFICATION DATE 08/10/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

OfficeAction25944@oliff.com
jarmstrong@oliff.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

August 9, 2011

EL

In re application of	:	DECISION ON REQUEST TO
Kobayashi et al.	:	PARTICIPATE IN PATENT
Serial No. 11/579,945	:	PROSECUTION HIGHWAY
Filed: December 26, 2007	:	PROGRAM AND
For: FUEL CELL SYSTEM	:	PETITION TO MAKE SPECIAL
	:	UNDER 37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a) to make the above-identified application special filed June 03, 2011.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

(1) The U.S. application must validly claim priority under 35 U.S.C. 119(a) to one or more applications filed in the JPO, note where the JPO application with similar claims is not the same application from which the U.S. application claims priority that the applicant must identify the relationship between the JPO application with similar claims and the JPO priority application;

(2) Applicant must submit a copy of:

- a. The allowable/patentable claim(s) from the JPO application(s) or if a copy of the allowable/patentable claims is available via the Dossier Access System (DAS) applicant may request the USPTO to obtain a copy from DAS; however, if the USPTO is unable to obtain a copy from the DAS, the applicant will be required to submit a copy;
- b. An English translation of the allowable/ patentable claim(s), if applicable; and
- c. A statement that the English translation is accurate, if applicable;

(3) Applicant must:

- a. Ensure all the independent claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the allowable/patentable claim(s) in the JPO application(s); and
- b. Submit a claims correspondence table in English;

(4) Examination of the U.S. application has not begun;

(5) Applicant must submit:

- a. Documentation of prior office action:

- i. a copy of the office action(s) just prior to the "Decision to Grant a Patent" from each of the JPO application(s) containing the allowable/patentable claims(s) or
 - ii. if the allowable/patentable claim(s) are from "Notification of Reasons for Refusal" then the Notification of Reasons for Refusal or
 - iii. if the JPO application is a first action allowance then no office action from the JPO is necessary should be indicated on the request/petition form;
- Further, if a copy of the documents from (i) or (ii) is available via the Dossier Access System (DAS), applicant may request the USPO obtain a copy from the DAS; however, if the USPTO is unable to obtain a copy of the DAS, the applicant will be required to submit a copy; and
- b. An English language translation of the JPO Office action from (5)(a)(i)-(ii) above if applicable; and

(6) Applicant must submit:

- a. An IDS listing the documents cited by the JPO examiner in the JPO office action (unless already submitted in this application)
- b. Copies of documents except U.S. patents or U.S. patent application publications (unless already submitted in this application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.

Any inquiry regarding this decision should be directed to Emily M. Le, Supervisory Patent Examiner at (571) 272-0903.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.

/Emily M. Le/

Emily M. Le
Supervisory Patent Examiner
Technology Center 1700



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James Edward Ledbetter
1875 Eye Street
Suite 1200
Washington DC 20006

MAILED
JUL 05 2011
OFFICE OF PETITIONS

Patent No. 7,729,692	:	
Issue Date: June 1, 2010	:	
Application No. 11/579,957	:	ON PETITION
Filed: November 9, 2006	:	
Attorney Docket No. L9289.06226	:	

This is a decision on the petition filed June 20, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Yangbo Lin

Application No.: 11/579,977

Filed: August 24, 2007

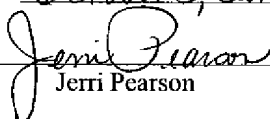
For: METHOD, SYSTEM AND DEVICE FOR
IMPLEMENTING INTERCONNECTION BETWEEN
IP DOMAINS

§
§ Group Art Unit: 2614
§
§ Examiner: Amal S. Zenati
§
§ Confirmation No.: 2466
§
§
§

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF EFS-WEB FILING

Pursuant to 37 C.F.R. §1.8, I hereby certify that this
correspondence is being electronically submitted to the
U.S. Patent and Trademark Office website,
www.uspto.gov, on October 5, 2010.



Jerri Pearson

**Petition for Special Status under 37 C.F.R. §1.102 filed in connection with
a Letter of Express Abandonment Under 37 C.F.R. §1.138(a)
as required under the Backlog Reduction Stimulus Plan**

Sir:

The Applicants hereby request Special Status under 37 C.F.R. §1.102 to expedite processing above-identified U.S. Patent Application Serial No. 11/579,977 under the Patent Application Backlog Reduction Stimulus Plan. In support of this request and petition, the Applicants state:

- I. The Applicants have submitted a letter of Express Abandonment of U.S. Patent Application Serial No. 11/720,819 under 37 C.F.R. §1.138(a) as required under the Patent Application Backlog Reduction Stimulus Plan.

- a. The Application for which express abandonment is requested is U.S. Patent Application Serial No. 11/720,819 filed on June 4, 2007. Accordingly, this Application has a filing date earlier than October 1, 2009 and is believed to be complete.
 - b. The Application for which special status is requested is U.S. Patent Application Serial No. 11/579,977 filed on November 09, 2006. Accordingly, this Application has a filing date earlier than October 1, 2009 and is believed to be complete.
 - c. U.S. Patent Application Serial Nos. 11/579,977 and 11/720,819 are commonly owned by Huawei Technologies Co., Ltd. The Applications were commonly owned on October 1, 2009.
- II. The Applicants submit and affirm that Applicants have not and will not file a new application that claims this same invention under any provision of Title 35 U.S.C.
 - III. The Applicants submit and affirm that Applicants have not received special status for more than fourteen (14) other applications under this program.
 - IV. The Applicants agree to not request a refund of any fees paid in this application.
 - V. The Applicants agree to make any required election without traverse in a telephonic interview if the Office determines that the claims of U.S. Application Serial No. 11/579,977 to be afforded special status are directed to two or more independent and distinct inventions.

While the Applicants believe that no fees are due in connection with this request, Applicants direct the Office to charge the deposit account identified herewith for any fees deemed owed.


CONCLUSION

If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas. If a petition for extension of time is necessary in order for this paper to be deemed timely filed, please consider this a petition therefore.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Respectfully submitted,
CONLEY ROSE, P.C.

Date: 10/5/10


Grant Rodolph
Reg. No. 50,487

5601 Granite Parkway, Suite 750
Plano, TX 75024
(972) 731-2288
(972) 731-2289 (Facsimile)

ATTORNEY FOR APPLICANT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Dongming Zhu, et al.	§
	§ Group Art Unit: 2461
Application No.: 11/720,819	§
	§ Examiner: Huy Duy Vu
File Date: August 8, 2007	§
	§ Confirmation No.: 3421
For: METHOD FOR PROCESSING BEARER CONTROL	§

CERTIFICATE OF EFS-WEB FILING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. §1.8, I hereby certify that this correspondence is being electronically submitted to the U.S. Patent and Trademark Office website, www.uspto.gov, on July 20, 2010.


Jeff Pearson

EXPRESS ABANDONMENT UNDER 37 C.F.R. § 1.138

Dear Sir:

Pursuant to 37 C.F.R. § 1.138 and the Project Exchange/Patent Application Backlog Reduction Stimulus Plan, the Applicants hereby request Express Abandonment of the above identified application. Accordingly, the Applicants state:

The Applicants have not and will not file an application that claims the benefit of the expressly abandoned application under any provision of Title 35, United States Code;

The Applicants agree not to request a refund of any fees paid in the above identified expressly abandoned application; and

The Applicants have not and will not file a new application that claims the same invention claimed in the above identified expressly abandoned application.

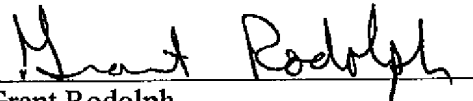
CONCLUSION

If any fee is due as a result of the filing of this paper, please appropriately charge such fee to Deposit Account Number 50-1515 of Conley Rose, P.C., Texas.

If a telephone conference would facilitate the resolution of any issue or expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the telephone number given below.

Date: 7/20/10

Respectfully submitted,
CONLEY ROSE, P.C.


Grant Rodolph
Reg. No. 50,487

5601 Granite Parkway, Suite 750
Plano, TX 75024
(972) 731-2288
(972) 731-2289 (Facsimile)

ATTORNEY FOR APPLICANT

Electronic Acknowledgement Receipt

EFS ID:	8048860
Application Number:	11720819
International Application Number:	
Confirmation Number:	3421
Title of Invention:	METHOD FOR PROCESSING BEARER CONTROL
First Named Inventor/Applicant Name:	Dongming Zhu
Customer Number:	30652
Filer:	Grant Rodolph/Jerri Pearson
Filer Authorized By:	Grant Rodolph
Attorney Docket Number:	4202-07500
Receipt Date:	20-JUL-2010
Filing Date:	08-AUG-2007
Time Stamp:	10:32:00
Application Type:	U.S. National Stage under 35 USC 371

Payment information:

Submitted with Payment	no
------------------------	----

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Letter Express Abandonment of the application	4202-07500_express_abandon.pdf	53165 42ccec050a04ca9024be345aa59cdcf077510f	no	2

Warnings:

Information:

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/720,819	08/08/2007	Dongming Zhu	4202-07500	3421
30652 7590 07/21/2010 CONLEY ROSE, P.C. 5601 GRANITE PARKWAY, SUITE 750 PLANO, TX 75024				
			EXAMINER VU, HUY DUY	
			ART UNIT 2461	PAPER NUMBER
			MAIL DATE 07/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of Abandonment

Application No.

11/720,819

Examiner

Huy Vu

Applicant(s)

ZHU ET AL.

Art Unit

2461

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☒ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/BETTY POWELL/
ODM

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Huawei Technologies Co., Ltd.
c/o Conley Rose, P.C.
5601 Granite Parkway
Plano TX 75024

MAILED

OCT 29 2010

OFFICE OF PETITIONS

In re Application of

LIN

Application No. 11/579,977

35 U.S.C. 371(c) Date: October 29, 2007

Int. Appl. No. PCT/CN2006/000863

Int. File Date: April 29, 2006

Attorney Docket No. 4202-05400

**DECISION ON PETITION
TO MAKE SPECIAL
37 CFR 1.102**

This is a decision on the petition under 37 CFR 1.102, filed October 5, 2010, to make the above-identified application special under the Patent Application Backlog Reduction Stimulus Plan which is a pilot program set forth at 74 Federal Register Notice 62285 (November 27, 2009) and 75 Federal register Notice 36063 (June 24, 2010).

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102 and the pilot program as set forth in 74 FR 62285 and 75 FR 36063 must be directed to a nonprovisional application filed prior to October 1, 2009.

The USPTO will accord special status for examination under Patent Application Backlog Reduction Stimulus Plan under the following conditions:

- (1) The application for which special status is sought is a nonprovisional application that has an actual filing date earlier than October 1, 2009;
- (2) The applicant has another copending nonprovisional application that has an actual filing date earlier than October 1, 2009, and is complete under 37 CFR 1.53;
- (3) The application for which special status is sought and the other copending nonprovisional application either are owned by the same party as of October 1, 2009, or name at least one inventor in common;
- (4) The applicant files a letter of express abandonment under 37 CFR 1.138(a) in the copending nonprovisional application before it has been taken up for examination and
 - a) include a statement that the applicant has not and will not file a new application that claims the same invention claimed in the expressly abandoned application;

- b) includes with the letter of express abandonment a statement that the applicant has not and will not file an application that claims the benefit of the expressly abandoned application under any provision of title 35, United States Code, and
 - c) the applicant agrees not to request a refund of any fees paid in the expressly abandoned application; and
- (5) The applicant files a petition under 37 CFR 1.102 in the application for which special status is sought that
- a) includes a specific identification of the relationship between the applications that qualifies the application for special status;
 - b) identifies, by application number if available, the application that is being expressly abandoned;
 - c) provides a statement certifying that applicant has not filed petitions in more than fourteen (14) other applications requesting special status under this program; and
 - d) provides a statement that applicant agrees to make an election without traverse in a telephonic interview if the Office determines that the claims of the application to be made special are directed to two or more independent and distinct inventions.

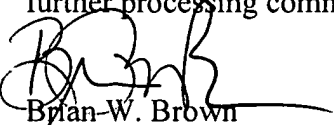
The requirement for a fee for consideration of the petition to make special for applications pertaining to Patent Application Backlog Reduction Stimulus Plan has been waived.

The instant petition complies with the conditions required under Patent Application Backlog Reduction Stimulus Plan. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Brian W. Brown at 571-272-5338.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Office of Patent Application Processing for further processing commensurate with this decision.


Brian W. Brown
Petitions Examiner
Office of Petitions

REQUEST FOR PARTICIPATION IN THE PATENT COOPERATION TREATY - PATENT PROSECUTION HIGHWAY (PCT-PPH) PILOT PROGRAM BETWEEN THE SWEDISH PATENT AND REGISTRATION OFFICE (PRV) AND THE USPTO

Application No:	11/579985	Filing date:	2005-05-12
First Named Inventor:	Alexander Brinker		

Title of the
Invention: Method and Feed for Reduction of the Content of Undesired Nutrients in the Water discharged from a Fish Farm

THIS REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM ALONG WITH THE REQUIRED DOCUMENTS MUST BE SUBMITTED VIA EFS-WEB. INFORMATION REGARDING EFS-WEB IS AVAILABLE AT [HTTP://WWW.USPTO.GOV/EBS/DFS_HELP.HTML](http://www.uspto.gov/ebs/efs_help.html)

APPLICANT HEREBY REQUESTS PARTICIPATION IN THE PCT-PPH PROGRAM AND PETITIONS TO MAKE THE ABOVE-IDENTIFIED APPLICATION SPECIAL UNDER THE PCT-PPH PROGRAM.

The above-identified application is (1) a national stage entry of the corresponding PCT application, or (2) a national stage entry of another PCT application which claims priority to the corresponding PCT application, or (3) a national application that claims domestic/ foreign priority to the corresponding PCT application, or (4) a national application which forms the basis for the priority claim in the corresponding PCT application, or (5) a continuing application of a U.S. application that satisfies one of (1) to (4) above, or (6) a U.S. application that claims domestic benefit to a U.S. provisional application which forms the basis for the priority claim in the corresponding PCT application.

The corresponding PCT application number(s) is/are: PCT/NO2005/000159

The international filing date of the corresponding PCT application(s) is/are: May 12, 2005

I. List of Required Documents:

- a. **A copy of the latest international work product (WO/ISA, WO/IPEA, or IPER) in the above-identified corresponding PCT application(s)**

- ☒ Is attached.
- ☐ Is not attached because the document is already in the U.S. application.

- b. **A copy of all claims which were indicated as having novelty, inventive step and industrial applicability in the above-identified corresponding PCT application(s).**

- ☒ Is attached.
- ☐ Is not attached because the document is already in the U.S. application.

- c. **English translations of the documents in a. and b. above are attached (if the documents are not in the English language). A statement that the English translation is accurate is attached for the document in b. above.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR PARTICIPATION IN THE PCT-PPH PILOT PROGRAM
BETWEEN THE PRV AND THE USPTO**

(continued)

Application No.: 11/579985

First Named Inventor: Alexander Brinker

- d. (1)
- An information disclosure statement listing the documents cited in the international work products (ISR, WO/ISA, WO/IPEA, IPER) of the corresponding PCT application.**

☐

Is attached

☒

Has already been filed in the above-identified U.S. application on January 9, 2007

- (2)
- Copies of all documents (except) for U.S. patents or U.S. patent application publications)**

☐

Are attached.

☒

Have already been filed in the above-identified U.S. application on January 9, 2007

II. Claims Correspondence Table:

Claims in US Application	Patentable Claims in the corresponding PCT Application	Explanation regarding the correspondence
15	1	The claims are the same
16	2	The claims are the same
17	3	The claims are the same
18	4	The claims are the same
19	5	The claims are the same
20	6	The claims are the same
21	7	The claims are the same
22	8	The claims are the same
23	9	The claims are the same
24	10	The claims are the same
25	11	The claims are the same
29	12	The claims are the same
30	13	The claims are the same
31	14	The claims are the same
35		Corresponds to Claim 1 of WO2005110113, which is a combination of Claims 1, 2(1), 5(1) and 8(1)
36		Corresponds to Claim 9 of WO2005110113, which is a combination of Claims 12, 2(1), 5(1) and 8(1)

III. All the claims in the US application sufficiently correspond to the patentable claims in the corresponding PCT application.

Signature /Edwin E. VoigtII/	Date 2011-12-08
Name (Print/Typed) Edwin E. Voigt II	Registration Number 36042

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

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OFFICE OF PETITIONS

**PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003**

**In re Application of
BURNELL, et al
Application No.: 11/579,985
Filed: July 16, 2008
Attorney Docket No.: H82.2-13393-US01
For: METHOD AND FEED FOR
REDUCTION OF THE CONTENT OF
UNDESIRE NUTRIENTS IN THE
WATER DISCHARGED FROM A FISH
FARM**

**: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 8, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, Australia, Austria, China, Finland, Russia, Spain, Sweden or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition fails to meet condition (5) above.

Regarding the requirement of condition (5), examination of the U.S. application has begun. Since examination of the U.S. application has begun, the request filed December 8, 2011, to make the above-identified application special cannot be granted.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc/index.html>.



Anthony Knight
Director
Office of Petitions



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P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

**VIDAS, ARRETT & STEINKRAUS, P.A.
RICHARD A. ARRETT
SUITE 400, 6640 SHADY OAK ROAD
6640 SHADY OAK RD
EDEN PRAIRIE MN 55344**

**In re Application of
BRINKER, et al
Application No.: 11/579,985
Filed: July 16, 2008
Attorney Docket No.: H82.2-13393-US01
For: METHOD AND FEED FOR
REDUCTION OF THE CONTENT OF
UNDESIRE NUTRIENTS IN THE
WATER DISCHARGED FROM A FISH
FARM**

**CORRECTED
: DECISION ON REQUEST TO
: PARTICIPATE IN THE PATENT
: PROSECUTION HIGHWAY
: PROGRAM AND PETITION
: TO MAKE SPECIAL UNDER
: 37 CFR 1.102(a)**

This is a decision on the request to participate in the PCT Patent Prosecution Highway (PCT-PPH) pilot program and the petition under 37 CFR 1.102(a), filed December 8, 2011, to make the above-identified application special.

The request and petition are **DENIED**.

Discussion

A grantable request to participate in the PCT-PPH pilot program and petition to make special require:

- (1) The U.S. application must have an eligible relationship to one or more PCT applications where the ISA or IPEA are the JPO, EPO, KIPO, NPI, Australia, Austria, China, Finland, Russia, Spain, Sweden or USPTO;
- (2) At least one claim in the PCT application has novelty, inventive step, and industrial applicability and must be free of any observations in Box VIII in the latest work product in the international stage or applicant must identify and explain why the claim(s) is/are not subject to the observation in Box VIII;
- (3) Applicant must submit a copy of the claim(s) from the PCT application(s) that have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate, if the claims are not in the English language;

(4) All the claims in the U.S. application must sufficiently correspond or be amended to sufficiently correspond to the claim(s) that have novelty, inventive step, and industrial applicability in the PCT application(s);

(5) Examination of the U.S. application has not begun;

(6) Applicant must submit a copy of the latest international work product from the PCT application indicating that the claim(s) have novelty, inventive step, and industrial applicability along with an English translation thereof and a statement that the English translation is accurate if the latest international work product is not in the English language;

(7) Applicant must submit an IDS listing the documents cited by the PCT examiner in the international work product along with copies of documents except U.S. patents or U.S. patent application publications.

The request to participate in the PCT-PPH pilot program and petition fails to meet condition (5) above.

Regarding the requirement of condition (5), examination of the U.S. application has begun. Since examination of the U.S. application has begun, the request filed December 8, 2011, to make the above-identified application special cannot be granted.

Inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

All other inquiries concerning the examination or status of the application is accessible in the PAIR system at <http://www.uspto.gov/ebc.index.html>.



Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 12, 2011

TO SPE OF : ART UNIT 1633 SPE Joseph T. Wolfach

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/580,095 Patent No.: 7,871,815 B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square Building
2800 South Randolph Street
Arlington, VA 22206

Should the two inventors, Roger Sabbadini and Neil Berkley be deleted from patent as requested by applicant?
See COCIN dated 6-24-2011

Antonio Johnson

Certificates of Correction Branch

(571)272-0483 Fax – (571)270-9846

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments: Applicant requests a change in Inventorship, deleting inventors. The request was submitted during prosecution, in the original filing. And requests deletion of inventors from the Inventorship. Such is governed by 37 CFR 1.48(b). While the absolute word of the rule states that the deletion of inventors is “due to amendment or cancellation of claims, it is clear that the spirit of the rule

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

is meant to cover a change in invention. In this case, Applicant was claiming, and obtained claims to a distinct invention from that of the parent (i.e., nucleic acid constructs and methods of making protein, versus the minicells of the parent), in a divisional application. Therefore, the rule is the proper rule for application of the requested deletion of inventors. This rule (37 CFR 1.48(b)) requires two elements to be fulfilled to grant the change in inventorship. The factors are (i) a request signed by e.g., the attorney of record, that identifies the named inventor or inventors being deleted, and acknowledging that the (to-be-deleted) inventor's invention is no longer being claimed, and (ii) the processing fee. The first part of this (37 CFR 1.48(b)(i)) is actually two parts, and while the request of 10/11/06 identified the inventors being deleted, the same request fails to acknowledge that the (to-be-deleted) inventor's invention is no longer being claimed. For this reason, the request to delete inventors was not proper, and therefore, the present request for Certificate of Correction, dated 6/24/11, is denied.

SPE /Joseph Weitach/ Art Unit 1633__



UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, VA 22313-1450

October 3, 2011

Patent No.: 7,871,815 B2
Applicant : Roger A. Sabbadini, et al.
Issued : January 18, 2011
For : **RHAMNOSE-INDUCIBLE EXPRESSION CONSTRUCTS AND METHODS**
Docket No. : **VAX.008DV16DV1**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322.

Respecting the alleged error to delete inventors Roger Sabbadini and Neil Berkley from the patent. Applicant requests a change in Inventorship, deleting inventors. The request was submitted during prosecution, in the original filing. And requests deletion of inventors from the Inventorship. Such is governed by 37 CFR 1.48(b). While the absolute word of the rule states that the deletion of inventors is "due to amendment or cancellation of claims, it is clear that the spirit of the rule is meant to cover a change in invention. In this case, Applicant was claiming, and obtained claims to a distinct invention from that of the parent (i.e., nucleic acid constructs and methods of making protein, versus the minicells of the parent), in a divisional application. Therefore, the rule is the proper rule for application of the requested deletion of inventors. This rule (37 CFR 1.48(b)) requires two elements to be fulfilled to grant the change in inventorship. The factors are (i) a request signed by e.g., the attorney of record, that identifies the named inventor or inventors being deleted, and acknowledging that the (to-be-deleted) inventor's invention is no longer being claimed, and (ii) the processing fee. The first part of this (37 CFR 1.48(b)(i)) is actually two parts, and while the request of 10/11/06 identified the inventors being deleted, the same request fails to acknowledge that the (to-be-deleted) inventor's invention is no longer being claimed. For this reason, the request to delete inventors was not proper, and therefore, the present request for Certificate of Correction, dated 6/24/11, is disapproved.

In the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

Antonio Johnson
(571)272-0483
For Mary F. Diggs, Supervisor
Decisions & Certificates of Correction Branch
703) 756-1580

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
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D. NEAL MUIR
5424 TREE LINE DR.
CENTREVILLE VA 20170

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OFFICE OF PETITIONS

In re Application of	:	
Fulbrook, et al.	:	
Application No. 11/580,121	:	DECISION
Filed/Deposited: 13 October, 2006	:	
Attorney Docket No. (None)	:	

\This is a decision on the petition filed on 16 February, 2011, considered as a petition under 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

NOTE:

It appears that there are co-inventors, however, documentation purporting to be a revocation/power of attorney appears to be executed by but one inventor.

Thus, the revocation/power of attorney submitted on 16 February, 2011, has not been entered.

A copy of the instant decision has been addressed to the address set forth on the petition, however, should Petitioner wish to receive further correspondence in this matter, Petitioner must submit the properly executed revocation/power of attorney and other such papers as Petitioner thinks appropriate.

It appears that Petitioner has combined together matters of separate intent. Such is not proper under the Rules of Practice.

Petitioner complains that the Office misinterpreted a hand-written document submitted by Applicant's former Agent. A review of the paper as present in the image file wrapper indicates that the Office's reading of the paper in question was not unreasonable given the quality of the document submitted by Applicant's former Agent.

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**.

Application No. 11/580,121

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under 37 C.F.R. §1.181.”

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

Petitioner appears not to comply with the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below, Petitioner has failed to satisfy the showing requirements set forth there. Petitioner may find it beneficial to review that material and move step-wise through that guidance in the effort to satisfy the showing requirements (statements and supporting documentation).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 15 March, 2010 (the 15 March, 2010, Notice) (a copy of which is enclosed herewith for Petitioner’s reply on submission of a properly responsive petition), with required reply due absent extension of time on or before 15 April, 2010.

The application went abandoned by operation of law after midnight 15 April, 2010.

The Office mailed the Notice of Abandonment on 14 October, 2010.

On 16 February, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, non-receipt of the Office action (the 15 March, 2010, Notice). Petitioner’s argument is that the Office misinterpreted the documentation supplied by Applicant’s former Agent as to address. However, a review of the hand-written paper in the image file wrapper (IFW) indicates that the Office’s appreciation of the data included there was not inappropriate or clearly erroneous. Moreover, Petitioner provided none of the documentation (a docket sheet for the application and a due date calendar for Petitioner’s office for 2 January, 2010) and none of the statements required (see below and the guidance in the Commentary at MPEP §711.03(c)(I)). The record reflects that the Notice was directed to the correspondence address of record. Thus, Petitioner fails to make the proper showing herein pursuant to the guidance in the Commentary at

Application No. 11/580,121

MPEP §711.03(c)(I)—as discussed below. Further, Petitioner's request for relief pursuant to 37 C.F.R. §1.181 was not timely under the Rule (see below).

Petitioner has not completed the showing as discussed below in the citation from the Manual of Patent Examining Procedure (MPEP). It appears that Petitioner may be unable to make that showing and so is reminded that the proper vehicle for revival of the application is the submission of a petition abandonment pursuant to 37 C.F.R. §1.137(b), and the failure to do so timely may be considered delay that is other than unintentional.

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.¹

Moreover, Petitioner seems to have combined requests for recordation with other statements in the instant petition. Petitioner is reminded that it is not proper to fold such requests into other

¹ See: MPEP §711.03(c)(I)(A).

papers. Petitioner has ignored the Rules of Practice, which require that separate requests be filed as separate papers and properly directed to the Office services (e.g., Recordation, Assignment, Office of Petitions, etc.)—see: the regulations at 37 C.F.R. §1.4, which provides in pertinent part:

(b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant

“failed to engage in reasonable efforts to conclude prosecution” (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

If Petitioner is unable to comply with and/or otherwise satisfy these requirements, Petitioner may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that:

- the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)); and
- those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to inquire and disclose.²

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

² See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

Application No. 11/580,121

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**.

ALTERNATIVE VENUE

Should Petitioner wish to revive the application, Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See: http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

A petition to revive on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by the reply, the petition fee, a terminal disclaimer and fee where appropriate and a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional." (The statement is in the form available online.)

Further correspondence with respect to this matter should be addressed as follows:


By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

Application No. 11/580,121

By hand: U. S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2³) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).



/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

CC:
D. NEAL MUIR
5424 TREE LINE DR.
CENTREVILLE VA 20120

JOHN RICHARDSON
122 SUMMIT HALL ROAD
GAITHERSBURG, MD 20877

³ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/580,121	10/13/2006	David J. Fulbrook		5291
<div>7590 03/15/2010</div> <div>D. NEAL MUIR 5424 TREE LINE DR. CENTREVILLE, VA 20170</div> <div>EXAMINER BATES, ZAKIYA W</div> <div>ART UNIT PAPER NUMBER</div> <div>3676</div> <div>MAIL DATE DELIVERY MODE</div> <div>03/15/2010 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11580121	10/13/06	FULBROOK ET AL.	

D. NEAL MUIR
5424 TREE LINE DR.
CENTREVILLE, VA 20170

EXAMINER

/Zakiya W.. Bates/

ART UNIT	PAPER
3676	20100311

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see the attached Notice of Non-Responsive amendment, and note the 30-day period for response.

/Zakiya W. Bates/
Primary Examiner
Art Unit: 3676

DETAILED ACTION

1. The reply filed on 10/15/09 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The claims must commence on a separate sheet. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Zakiya W. Bates/ whose telephone number is (571) 272-7039. The examiner can normally be reached on Monday-Friday, 8:30 AM-5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Zakiya W. Bates/
Primary Examiner
Art Unit 3676

zb
3/11/10



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

JOHN RICHARDSON
122 SUMMIT HALL ROAD
GAITHERSBURG, MD 20877

MAILED

MAY 26 2011

OFFICE OF PETITIONS

In re Application of :
Fulbrook, et al. :
Application No. 11/580,121 : **DECISION**
Filed/Deposited: 13 October, 2006 :
Attorney Docket No. (None) :

This is a decision on the petition filed on 4 April, 2011, considered as a petition pursuant to 37 C.F.R. §1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application, in the alternative pursuant to 37 C.F.R. §1.137(b) for revival of an application abandoned due to unintentional delay.

NOTE:

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

*Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.¹ In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.*

*If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

The petition pursuant to 37 C.F.R. §1.181 is **DISMISSED**; the petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

¹ See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Application No. 11/580,121

As to the Request to Withdraw
the Holding of Abandonment

Petitioner is directed to the Commentary at MPEP §711.03(c)(I) for guidance as to the proper showing requirements for relief under 37 C.F.R. §1.181.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement and/or showing of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee

Petitioners' attentions always are directed to the guidance in the Commentary at MPEP §711.03(c)(II).

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 15 March, 2010 (the 15 March, 2010, Notice), with required reply due absent extension of time on or before 15 April, 2010.

The application went abandoned by operation of law after midnight 15 April, 2010.

The Office mailed the Notice of Abandonment on 14 October, 2010.

On 16 February, 2011, Petitioner filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, non-receipt of the Office action (the 15 March, 2010, Notice). Petitioner's argument was that the Office misinterpreted the documentation supplied by Applicant's former Agent as to address. However, a review of the hand-written paper in the image file wrapper (IFW) indicated that the Office's appreciation of the data included there was not inappropriate or clearly erroneous. Moreover, Petitioner provided none of the documentation (a docket sheet for the application and a due date calendar for Petitioner's office for 2 January, 2010) and none of the statements required (see below and the guidance in the Commentary at MPEP §711.03(c)(I)). The record reflected that the Notice was directed to the correspondence address of record. Thus, Petitioner failed to make the proper showing herein pursuant to the guidance in the Commentary at MPEP §711.03(c)(I)—as discussed below. Further, Petitioner's request for relief pursuant to 37 C.F.R. §1.181 was not timely under the Rule (see below). The petition was dismissed on 22 March, 2011.

On 4 April, 2011, Petitioner filed, *inter alia*, a Revocation/Power of Attorney.

On 6 April, 2011, Petitioner re-advanced the petition pursuant to 37 C.F.R. §1.181 and averred, *inter alia*, non-receipt of the Office action—however, once again, Petitioner is reminded of the failure to satisfy the reply period under the Rule—and Petitioner also filed, *inter alia*, a petition pursuant to 37 C.F.R. §1.137(b) with fee and reply in the form of an amendment, and made the statement of unintentional delay.

As noted above, it is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue.

*Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.² In the event that such an inquiry has not been made, Petitioner **must** make such an inquiry.*

*If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. §1.137(b) was unintentional, Petitioner **must** notify the Office.*

With regard to Petitioner's request to withdraw the holding of abandonment pursuant to 37 C.F.R. §1.181, the guidance in the Commentary at MPEP §711.03(c)(I) provides in pertinent part as to non-receipt:

The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office

² See 37 C.F.R. §10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.³

Moreover, Petitioner seems to have combined requests for recordation with other statements in the instant petition. Petitioner is reminded that it is not proper to fold such requests into other papers. Petitioner has ignored the Rules of Practice, which require that separate requests be filed as separate papers and properly directed to the Office services (*e.g.*, Recordation, Assignment, Office of Petitions, etc.)—*see*: the regulations at 37 C.F.R. §1.4, which provides in pertinent part:

(b) Since each file must be complete in itself, a separate copy of every paper to be filed in a patent, patent file, or other proceeding must be furnished for each file to which the paper pertains, even though the contents of the papers filed in two or more files may be identical. The filing of duplicate copies of correspondence in the file of an application, patent, or other proceeding should be avoided, except in situations in which the Office requires the filing of duplicate copies. The Office may dispose of duplicate copies of correspondence in the file of an application, patent, or other proceeding.

Petitioner's reply to the Notice of Abandonment is late under the rule (37 C.F.R. §1.181), and Petitioner is reminded of the guidance set forth in the Commentary at MPEP §711.03(c) (in pertinent part):

C. Treatment of Untimely Petition To Withdraw Holding of Abandonment

37 C.F.R. 1.181(f) provides that, *inter alia*, except as otherwise provided, any petition not filed within 2 months from the action complained of may be dismissed as untimely. Therefore, any petition (under 37 C.F.R. §1.181) to withdraw the holding of abandonment not filed within 2 months of the mail date of a notice of abandonment (the action complained of) may be dismissed as untimely. 37 C.F.R. §1.181(f).

Rather than dismiss an untimely petition to withdraw the holding of abandonment under 37 C.F.R. §1.181(f), the Office may require a terminal disclaimer as a condition of granting an untimely petition to withdraw the holding of abandonment.

³ See: MPEP §711.03(c) (I)(A).

3. Utility and Plant Applications Filed on or After May 29, 2000

In utility and plant applications filed on or after May 29, 2000, a terminal disclaimer should **not** be required as a condition of granting an untimely petition to withdraw the holding of abandonment. This is because any patent term adjustment is automatically reduced under the provisions of 37 C.F.R. §1.704(c)(4) in applications subject to the patent term adjustment provisions of the American Inventors Protection Act of 1999 (AIPA) if a petition to withdraw a holding of abandonment is not filed within two months from the mailing date of the notice of abandonment, and if applicant does not receive the notice of abandonment, any patent term adjustment is reduced under the provisions of 37 C.F.R. §1.704(a) by a period equal to the period of time during which the applicant “failed to engage in reasonable efforts to conclude prosecution” (processing or examination) of the application.

Where the record indicates that the applicant intentionally delayed the filing of a petition to withdraw the holding of abandonment, the Office may simply dismiss the petition as untimely (37 C.F.R. §1.181(f)) solely on the basis of such intentional delay in taking action in the application without further addressing the merits of the petition. Obviously, intentional delay in seeking the revival of an abandoned application precludes relief under 37 C.F.R. §1.137(a) or (b) (***).

If Petitioner is unable to comply with and/or otherwise satisfy these requirements, Petitioner may wish to revive the application: Petitioner may wish to properly file a petition to the Commissioner requesting revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b). (See:

http://www.uspto.gov/web/offices/pac/mpep/documents/0700_711_03_c.htm#sect711.03c)

Out of an abundance of caution, Petitioners always are reminded that:

- the filing of a petition under 37 C.F.R. §1.181 does not toll any periods that may be running any action by the Office and a petition seeking relief under the regulation must be filed within two (2) months of the act complained of (*see*: 37 C.F.R. §1.181(f)); and
- those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to inquire and disclose.⁴

⁴ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on Petitioner’s duty of candor and good faith and accepting a statement made by Petitioner. See *Changes to Patent Practice and Procedure*, 62 *Fed. Reg.* at 53160 and 53178, 1203 *Off. Gaz. Pat. Office* at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §10.18 to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).⁵ The regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application under this congressional grant of authority.

Unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and, by definition, are not intentional.⁶))

Allegations as to the Request to Withdraw the Holding of Abandonment

The guidance in the Commentary at MPEP §711.03(c)(I) specifies the showing required and how it is to be made and supported.

Petitioner appears not to have made the showing required.

As to Allegations of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

⁵ 35 U.S.C. §133 provides:

35 U.S.C. §133 Time for prosecuting application.

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

⁶ Therefore, by example, an unintentional delay in the reply might occur if the reply and transmittal form are to be prepared for shipment by the US Postal Service, but other pressing matters distract one's attention and the mail is not timely deposited for shipment.


CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.181 is **dismissed**; the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 3676 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁷) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).


/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁷ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/83 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS	
Application Number	11580140	
Filing Date	11-Oct-2006	
First Named Inventor	Richard Ashman	
Art Unit	4133	
Examiner Name	RAGI ELIAS	
Attorney Docket Number	102808-200	
Title	System and device for heating or cooling shape memory surgical devices	
<input checked="" type="radio"/> Please withdraw me as attorney or agent for the above identified patent application and the practitioners of record associated with Customer Number:		27267
The reason(s) for this request are those described in 37 CFR: 10.40(b)(4)		
Certifications		
<input checked="" type="checkbox"/> I/We have given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment		
<input checked="" type="checkbox"/> I/We have delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled		
<input checked="" type="checkbox"/> I/We have notified the client of any responses that may be due and the time frame within which the client must respond		
Change the correspondence address and direct all future correspondence to: The address of the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, associated with Customer Number: 27267		
I am authorized to sign on behalf of myself and all withdrawing practitioners.		
Signature	/Anthony P. Gangemi/	
Name	Anthony P. Gangemi	
Registration Number	42565	



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : May 20,2011

In re Application of :

Richard Ashman

Application No : 11580140

Filed : 11-Oct-2006

Attorney Docket No : 102808-200

DECISION ON REQUEST TO WITHDRAW AS
ATTORNEY/AGENT OF RECORD

This is an electronic decision on the Request to Withdraw as attorney or agent of record under 37 CFR§ 1.36(b), filed May 20,2011

The request is **APPROVED**

The request was signed by Anthony P. Gangemi (registration no. 42565) on behalf of all attorneys/agents associated with Customer Number 27267 . All attorneys/agents associated with Customer Number 27267 have been withdrawn.

Since there are no remaining attorneys of record, all future communications from the Office will be directed to the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71, with Customer number 27267 .

As a reminder, requester is required to inform the first named inventor or assignee that has properly made itself of record pursuant to 37 CFR 3.71 of the electronically processed petition.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

MAILED
FEB 11 2011
OFFICE OF PETITIONS

In re Application of
Akiyoshi TSUDA
Application No. 11/580,157
Filed: October 13, 2006
Attorney Docket No. **297791US40**

:
:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 10, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 5, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1795 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9-7-10

TO SPE OF : ART UNIT 2838

SUBJECT : Request for Certificate of Correction for Appl. No.: 11580186 Patent No.: 7737642

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square – 9D10-E
Palm Location 7580**

Omega Lewis
Certificates of Correction Branch
703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Monica Lewis/

2838

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD VA 22116

MAILED
DEC 03 2010

OFFICE OF PETITIONS

In re Patent No. 7,737,642	: DECISION GRANTING PETITION
Issue Date: June 15, 2010	: UNDER 37 CFR 1.78(a)(3) AND
Application No. 11/580,186	: REQUEST FOR CERTIFICATE OF
Filed: October 13, 2006	: CORRECTION
Attorney Docket No. BITP0011USA4	:

This is a decision on the petition, filed August 27, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application No. 10/968,857, filed October 18, 2004, by way of a certificate of correction.

The petition is **GRANTED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed October, 13, 2006. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

As authorized, the \$1,410 surcharge fee and \$100 certificate of correction fee have been charged to the authorized Deposit Account.

Any inquiries concerning this decision may be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

The requested Certificates of Correction issued October 26, 2010.



Chris Bottorff
Supervisor
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/580,186	10/13/2006	2838	800	BITP0011USA4	17	3

CONFIRMATION NO. 4940

CORRECTED FILING RECEIPT



0000000044612033

27765
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
P.O. BOX 506
MERRIFIELD, VA 22116

Date Mailed: 11/22/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Chung-che Yu, Taipei, TAIWAN;
Shih-chung Huang, Taipei, TAIWAN;
Chien-pang Hung, Taipei, TAIWAN;
Chih-shun Lee, Taipei, TAIWAN;

Assignment For Published Patent Application

Beyond Innovation Technology Co., Ltd.

Power of Attorney: The patent practitioners associated with Customer Number 27765

Domestic Priority data as claimed by applicant

This application is a CIP of 10/968,857 10/18/2004 PAT 7,148,633

Foreign Applications

If Required, Foreign Filing License Granted: 10/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/580,186**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

DC/AC INVERTER

Preliminary Class

363

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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Margaret Anderson
106 E. 6th Street, Suite 900
Austin, TX 78701

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of
Alexander J. Cohen, et. al.
Application No. 11/580,217
Filed: October 11, 2006
Attorney Docket No. QQ1-0143US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 27, 2011.

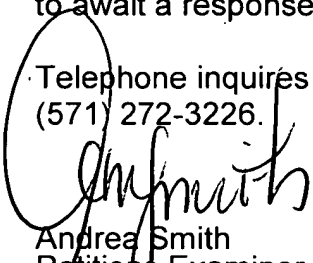
The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked on January 31, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the above-listed address of record until otherwise notified by applicant.

There is an outstanding Office action mailed November 30, 2010, that requires a reply from the applicant. Therefore, this application file is being referred to Technology Center 2600, to await a response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201



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MAILED

APR 11 2011

OFFICE OF PETITIONS

Margaret Anderson
106 E. 6th Street, Suite 900
Austin, TX 78701

In re Application of
Alexander J. Cohen, et. al.
Application No. 11/580,218
Filed: October 11, 2006
Attorney Docket No. QQ1-0145US

DECISION ON PETITION
TO WITHDRAW FROM
RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b) or 10.40 filed January 27, 2011.

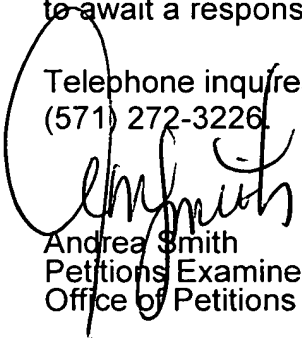
The request is **MOOT**.

A review of the file record indicates that any previous power of attorney was revoked on January 31, 2011. Accordingly, the request to withdraw under 37 CFR §§ 1.36(b) or 10.40 is unnecessary.

All future communications from the Office will be directed to the above-listed address of record until otherwise notified by applicant.

There is an outstanding Office action mailed December 3, 2010, that requires a reply from the applicant. Therefore, this application file is being referred to Technology Center 2600 to await a response.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Lee & Hayes, PLLC
601 W Riverside
Suite 1400
Spokane, WA 99201



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MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22134

MAILED

OCT 18 2010

In re Application of	:	OFFICE OF PETITIONS
Robert Kelley, et al.	:	
Application No. 11/580,238	:	ON PETITION
Filed: October 12, 2006	:	
Attorney Docket No. 100127-000900US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 10, 2010, to revive the above-identified application.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 24, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 25, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a continuing application under 37 CFR 1.53(b); (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 12/879,213.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other questions concerning this application should be directed to the Technology Center.


April M. Wise
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/580,251	10/11/2006	John W. Barrus	10010-02566 US	5176
95037	7590	12/20/2011		
Patent Law Works/Ricoh 165 South Main St Suite 2 Salt Lake City, UT 84111			EXAMINER PITARO, RYAN F	
			ART UNIT	PAPER NUMBER
			2171	
			NOTIFICATION DATE	DELIVERY MODE
			12/20/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@patentlawworks.net
eruzich@patentlawworks.net
kishihara@patentlawworks.net



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P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

December 17, 2011

Patent Law Works/Ricoh
165 South Main St
Suite 2
Salt Lake City UT 84111

In re Application of :
John W. Barrus et al. : **DECISION ON PETITION**
Application No. 11580251 :
Filed: 10/11/2006 :
Attorney Docket No. 10010-02566 US :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 11, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☒ 2 ☐ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 2, 2012

Patent Law Works/Ricoh
165 South Main St
Suite 2
Salt Lake City UT 84111

In re Application of	:	
John W. Barrus et al.	:	DECISION ON PETITION
Application No. 11580251	:	
Filed: 10/11/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. 10010-02566 US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 30, 2012.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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PRASS LLP
2661 RIVA ROAD
BLDG. 1000, SUITE 1044
ANNAPOLIS, MD 21401

MAILED

JUL 18 2011

OFFICE OF PETITIONS

In re Application of
Wise et al.
Application No. 11/580,303
Filed: October 13, 2006
Attorney Docket No. 078-0006

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 31, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 1, 2010. A Notice of Abandonment was mailed October 27, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and fee of \$540, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 3679 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

A handwritten signature in black ink, appearing to read 'A. Kelley-Collier', with a stylized flourish at the end.

Alicia Kelley-Collier
Petitions Examiner
Office of Petitions

cc: JOHN MATTINGLY
MATTINGLY & MALUR, PC
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111117

DATE : November 17, 2011

TO SPE OF : ART UNIT 2484 SPE Thai Tran

SUBJECT : Request for Certificate of Correction on Patent No.: RE41,082 E

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Thai Tran/

Art Unit 2484



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FISH & RICHARDSON P.C. (AU)
P.O BOX 1022
Minneapolis MN 55440-1022

MAILED
JAN 25 2011
OFFICE OF PETITIONS

In re Application of :
Dong-Seok Suh, et al. :
Application No. 11/580,361 : **DECISION ON PETITION**
Filed: October 13, 2006 :
Attorney Docket No. 21724-003003 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 28, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed September 28, 2010. Accordingly, the date of abandonment of this application is December 29, 2010. The Notice of Abandonment was mailed January 18, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future

correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Ross Spencer Garsson**
7004 Bee Cave Road, Bldg. 1
Suite 110
Austin, TX 78746



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**SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830**

MAILED

DEC 27 2010

OFFICE OF PETITIONS

In re Application of :
Martin Spahn :
Application No. 11/580,368 :
Filed: October 13, 2006 : **DECISION ON PETITION**
Attorney Docket No. 2006P18503 US01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 9, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on June 11, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on September 14, 2010. A Notice of Abandonment was mailed on October 5, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

MAILED
OCT 20 2010
OFFICE OF PETITIONS

In re Application of :
Sloat :
Application No. 11/580,429 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. CS01-01U :
For: LOCKING BARREL CADDIE :

This is a decision on the petition under the unintentional delay standard of 37 CFR 1.137(b), filed June 30, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned on September 25, 2009 for failure to properly reply to the final Office action, mailed June 24, 2009. Applicant filed an amendment on August 24, 2009 that failed to place the application in *prima facie* condition for allowance, as was explained in the September 10, 2009 Advisory action. On September 17, 2009, applicant filed a request for continued examination (RCE) fee and an amendment that failed to place the application in *prima facie* condition for allowance, as was explained in the March 5, 2010 Advisory action. On March 23, 2010, applicant filed a RCE with a request for the examiner to consider the amendment previously filed on August 24, 2009 as the required submission. On March 31, 2010, the Office mailed a Notice of Abandonment.

Applicant has submitted a RCE and required fee and amendment in reply to the June 24, 2009 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the June 24, 2009 final Office action, and the petition fee. All requirements under 37 CFR 1.137(b) being met, the petition is granted.

With respect to petitioner's argument that the March 23, 2010 RCE was timely filed within one month of the mailing of the March 5, 2010 Advisory Action, petitioner is informed that an Advisory Action does **not** set a new period for response. The March 5, 2010 Advisory Action clearly states that in no event will the statutory period for reply expire later than 6 months from the mailing date of the final Office action. The application became abandoned because applicant did not file a proper and timely response to the June 24, 2009 final Office action.

As to the request for refund of the petition fee, petitioner is reminded that the applicable statute, 35 U.S.C. 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus the USPTO may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943) (the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment, and not the underlying action) 37 CFR 1.26(a). The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). As the fee was properly due when it was paid, it will not be refunded.

After the mailing of this decision the application will be forwarded to Technology Center AU 3618 for consideration of the March 23, 2010 RCE and previously filed and non-entered amendment(s).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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BUHLER ASSOCIATES
BUHLER, KIRK A.
1101 CALIFORNIA AVE.
SUITE 208
CORONA CA 92881

MAILED

FEB 15 2011

OFFICE OF PETITIONS

In re Application of
Sloat
Application No. 11/580,429
Filed: October 13, 2006
Attorney Docket No. CS01-01U
For: LOCKING BARREL CADDIE

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition entitled, "REQUEST FOR REFUND UNDER PATENT RULE 1.26 FOR MULTIPLE BILLINGS ASSOCIATED WITH RCE," filed December 15, 2010. The petition will be treated under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **GRANTED to the extent indicated herein.**

The above-identified application became abandoned on September 25, 2009 for failure to properly reply to the final Office action, mailed June 24, 2009. Applicant filed an amendment on August 24, 2009 that failed to place the application in *prima facie* condition for allowance, as was explained in the September 10, 2009 Advisory action. On September 17, 2009, applicant filed a request for continued examination (RCE) fee and an amendment that failed to place the application in *prima facie* condition for allowance, as was explained in the March 5, 2010 Advisory action. On March 23, 2010, applicant filed a RCE with a request for the examiner to consider the amendment previously filed on August 24, 2009 as the required submission. On March 31, 2010, the Office mailed a Notice of Abandonment.

Applicant requests a refund of \$2,320.00 for three (3) \$405.00 RCE fees, a \$270.00 Rule 137(a) petition fee, a \$810.00 Rule 137(b) petition fee, and a \$25.00 service charge.

A review of Office financial records indicates that, currently, applicant has been charged two RCE fees – one on accounting date September 18, 2009 and one on accounting date November 30, 2010 for the RCE filed on March 23, 2010. Refunding both of them would result in the Office lacking a RCE fee. Only one RCE fee is necessary. Applicant's credit card will be credited \$405.00.

As to the request for refund of the petition fees, applicant is reminded that the applicable statute, 35 U.S.C. 42(d), authorizes the Commissioner to refund "any fee paid by mistake or any amount paid in excess of that required." Thus the USPTO may refund: (1) a fee paid when no fee is required (*i.e.*, a fee paid by mistake), or (2) any fee paid in excess of the amount of the fee that is required. See Ex Parte Grady, 59 USPQ 276, 277 (Comm'r Pats. 1943) (the statutory authorization for the refund of fees is applicable only to a mistake relating to the fee payment, and not the underlying action) 37 CFR 1.26(a).


Both petition fees were not fees paid when no fees were required, and were not fees paid in an amount in excess of that required. In order to be refundable, the mistake must clearly be in relation to the payment itself, and not the underlying action. Grady, supra.

Upon receiving a Notice of Abandonment, petitioner chose to file a Rule 137(a) petition. After that petition was dismissed, petitioner chose to file a Rule 137(b) petition. The payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(a) or 37 CFR 1.137(b). They are statutory fees and cannot be waived. The amounts paid were owed at the time they were paid. Such is not a mistake within the meaning of the aforementioned statute and regulation that warrants a refund. As the fees were properly due when they were paid, they will not be refunded.

To summarize, applicant will be refunded one of the two RCE fees paid, or \$405.00.

After the mailing of this decision the application will be forwarded to Technology Center AU 3618 to await response to the November 10, 2010 non-final Office action.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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HUGH D. JAEGER, ESQ.
HUGH D. JAEGER, P.A.
P.O. BOX 432
WAYZATA MN 55391-0432

MAILED
NOV 17 2010
OFFICE OF PETITIONS

In re Application of
Burba et al.
Application No. 11/580,466
Filed: October 13, 2006
Attorney Docket No. BURBA P612

ON PETITION

This is a decision on the petition under 37 CFR 1.102(c)(1), filed October 25, 2010, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required.

The instant petition includes a statement from the applicant: Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3206. All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

This matter is being referred to the Technology Center Art Unit 3731 for action on the merits commensurate with this decision.

Liana Walsh
Petitions Examiner
Office of Petitions



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February 3, 2011

Allen C. Turner
TraskBritt
P.O. Box 2550
Salt Lake City, UT 84110

Patent No: 7,736,868 B2
Application No: 11/580,494
Applicant: Arie P. Otte, et al.
Issued: June 15, 2010
Title: NUCLEIC ACID SEQUENCES HAVING GENE TRANSCRIPTION REGULATORY QUALITIES

Request for Certificate Of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

Inspection of the application for the printed patent reveals that the errors in your request are printed in accordance with the record in the Patent and Trademark Office, as passed to issue by the examiner. There being no fault on the part of the Patent and Trademark Office, it has no authority to issue a certificate of correction under the provision of 1.322.

In view of the foregoing your entire request is hereby **denied**.

However, further consideration will be given these matters, upon receipt of a request for certificate of correction under provision of 1.323, accompanied by the appropriate fee which is presently \$100.

Further correspondence concerning this matter should be filed and directed to Decisions & Certificated of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460 (voice)
(571) 270-9892 (fax)

vt



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MUNCK CARTER/NSC
P.O. DRAWER 800889
DALLAS TX 75380

MAILED

AUG 06 2010

OFFICE OF PETITIONS

In re Application of :
Marshall J. Bell :
Application No. 11/580,517 : DECISION ON PETITION
Filed: October 13, 2006 :
Attorney Docket No. P06648 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 6, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed August 20, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 21, 2009. A Notice of Abandonment was mailed March 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$1,620.00, and (3) an adequate statement of unintentional delay.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2629 for appropriate action by the Examiner in the normal course of business on the reply received.

Joan Olszewski

Joan Olszewski
Petitions Examiner
Office of Petitions



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P.O. Box 1450

Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

MAILED
MAR 09 2011
OFFICE OF PETITIONS

In re Application of :
Michael ARCHER : DECISION GRANTING PETITION
Application No. 11/580,554 : UNDER 37 CFR 1.137(b)
Filed: October 13, 2006 :
Atty. Docket No.: 10-24224 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 2011, to revive the above-identified application ("Application").

The petition is **GRANTED**.

The Application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 10, 2009 ("outstanding Office action"), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on May 11, 2009, with notification mailed August 18, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

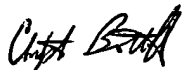
The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, (2) a petition fee of \$810.00 (small entity), and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the

petition on January 4, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center AU2838 for further action on the filed Response.

A handwritten signature in black ink, appearing to read "Chris Bottorff", with a stylized flourish at the end.

Christopher Bottorff
Petitions Examiner
Office of Petitions



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**KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004**

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Michael Hack, et al. :
Application No. 11/580,590 : DECISION GRANTING PETITION
Filed: October 12, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 10052/2502 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 3, 2010 to withdraw the above-identified application from issue after payment of the issue fee.


The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 10, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2879 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.


Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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JONES DAY
222 E. 41ST. STREET
NEW YORK, NY 10017

MAILED
OCT 13 2011
OFFICE OF PETITIONS

In re Application of :
Mohammad Heidaran :
Application No. 11/580,625 : DECISION GRANTING PETITION
Filed: October 13, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 9516-440-999 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 26, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1633 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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Steven J. Clark
725 Stadium Blvd
Provo, UT 84604

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APR 28 2011
OFFICE OF PETITIONS

In re Application of
Steven Joseph Clark
Application No. 11/580,636
Filed: October 12, 2006
Attorney Docket No. N/A

:
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: DECISION ON PETITION
:
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This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed February 28, 2011, to revive the above-identified application. Alternatively, petitioner requests consideration under the provisions of 37 CFR 1.137(b).

The application was held abandoned for failure to timely respond to the non-final Office action mailed on May 12, 2010. A Notice of Abandonment was mailed December 20, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3) above.

Petitioner states "The Office communication dated 5/12/10 was delayed in reaching me until August, 2010 due to an error in the forwarding of the mail. Upon receiving it I contacted the USPTO and updated the mailing information and filed and paid for an extension of time...I have been diligent in moving this process along, and missing a deadline for a formal reply was Unintentional. I feel it was unavoidable based on my knowledge and diligence at the time, but since the requirements for the Unavoidable Standard of Revival are not clear to me, I am asking whoever reviews this Petition to Revive to determine which Standard is appropriate."

The showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711.03(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay. Specifically, an application is "unavoidably" abandoned only where

petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

"The word 'unavoidable'...is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through unforeseen fault or imperfection of these agencies and instrumentalities, a failure occurs, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present."

While it is noted that petitioner states that "The Office communication dated 5/12/10 was delayed in reaching me until August, 2010 due to an error in the forwarding of the mail," no evidence of this delay has been submitted; and even if submitted, a review of the official file record fails to indicate that the United States Patent and Trademark Office (USPTO) caused the delay that prevented petitioner from responding timely to the Office action.

Further, a review of the record discloses that a non-final Office action was mailed on May 12, 2010, which set a shortened statutory period for reply of three (3) months. A change of correspondence address and a one (1) month extension of time under the provisions of 37 CFR 1.136(a) were filed on September 1, 2010. The record clearly shows that when petitioner filed a one month extension of time on September 1, 2010, a response to the Office action could have been filed on that same day or prior to midnight September 12, 2010; and since a response was not received, a Notice of Abandonment was mailed on December 20, 2010. Accordingly, this application was properly abandoned.

In view of the above, the petition under 37 CFR 1.137(a) is **dismissed**.

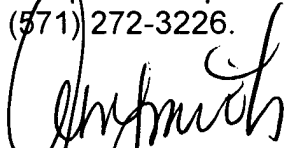
Since petitioner failed to meet the burden of 37 CFR 1.137(a), the petition filed on February 28, 2011, is being treated under 37 CFR 1.137(b), as requested.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment and three (3) sheets of drawings containing Figures 1A -1C; (2) the petition fee of \$810; and (3) an adequate statement of unintentional delay¹.

Accordingly, the petition under 37 CFR 1.137(b) is **GRANTED**.

The application is being referred to Technology Center 3700, for review of the response filed with the present petition.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions



David Bucci
Petitions Examiner

¹ 37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.



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Patent No. : 7,662,591 B2
Ser. No. : 11/580,644
Inventor(s) : Arie P. Otte, et. al.
Issued : February 16, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing **incorrect or erroneous** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request in this matter is hereby denied.

Page 2, of the title page, item 56, under Other Publications the word, purported to be in 1st column line 13th cannot be found in the printed patent.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Allen C. Truner
TraskBritt
230 South 500 East, Suite 300
Salt Lake City, Utah 84102 USA

ej



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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

In re Application of	:	
DEFREES et al.	:	DECISION ON PETITION
Application No.: 11/580,669	:	UNDER 37 CFR 1.78(a)(6)
Filed: October 13, 2006	:	
Attorney Docket No.: 705746	:	
Title: ONE POT DESIALYLATION AND	:	
GLYCOPEGYLATION OF THERAPEUTIC	:	
PEPTIDES	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed May 6, 2010, to accept an unintentionally delayed claim for the benefit of the prior-filed provisional applications set forth in the concurrently filed Supplemental Application Data Sheet (ADS).

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(6).

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The pending nonprovisional application was filed October 13, 2006, and claims continuation-in-part priority under 35 U.S.C. § 365(c) and 35 U.S.C. § 120 to international application

PCT/US2006/032649 filed August 21, 2006, which is within twelve months of the filing date of the earliest prior-filed provisional application, Application No. 60/709,983, which was filed on August 19, 2005, and for which priority is claimed.

The petition does not comply with item (1). The Supplemental ADS is not in compliance with 37 CFR 1.76(c)(2). First, it is not titled properly. Second, it does not identify the information that is being changed, preferably with underlining for insertions and strike-through or brackets for text removed.

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a proper Supplemental ADS in compliance with 37 CFR 1.76(c)(2) or an appropriate amendment to the specification, along with a renewed petition under 37 CFR 1.78(a)(6), is required.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

/Bryan Lin/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3301

Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/580,720	10/13/2006	Ramin Samadani	82225187	6111

22879	7590	11/22/2011
HEWLETT-PACKARD COMPANY		
Intellectual Property Administration		
3404 E. Harmony Road		
Mail Stop 35		
FORT COLLINS, CO 80528		

EXAMINER	
PEREN, VINCENT ROBERT	

ART UNIT	PAPER NUMBER
2625	

NOTIFICATION DATE	DELIVERY MODE
11/22/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
laura.m.clark@hp.com



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
FORT COLLINS CO 80528

In re Application of:)
SAMADANI, RAMIN et al)
Application No. 11/580,720)
Filed: October 13, 2006)
For: **AUXILIARY INFORMATION FOR**)
RECONSTRUCTING DIGITAL IMAGES)
PROCESSED THROUGH PRINT-SCAN)
CHANNELS)

**DECISION ON PETITION TO
WITHDRAW RESTRICTION
REQUIREMENT**

This is a decision on the petition filed February 03, 2011 to withdraw the outstanding restriction requirement made on January 05, 2011.

The petition is **DISMISSED AS MOOT.**

A review of the file record indicates the restriction requirement has been withdrawn and all claims have since been rejoined by the examiner as indicated in the Final rejection mailed April 29, 2011.

A non-final office action has since been mailed on October 27, 2011. Application has been returned to the examiner to await next action.

/Michael Horabik/

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/19/11TO SPE OF : ART UNIT 1636SUBJECT : Request for Certificate of Correction for Appl. No.: 11580760 Patent No.: 7655441CofC mailroom date: 12/21/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)**Randolph Square – 9D10-A****Palm Location 7580****You can fax the Directors/SPE response to 571-270-9990**_____
Certificates of Correction Branch*Lamonte Newsome*

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**Specify below which changes **do not** apply.☐ **Denied**

State the reasons for denial below.

Comments: _____

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

(Joanne Hama/ Acting SPE 1636/1639

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SPE

Art Unit



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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:
KAHN et al.	:
Application No. 11/580,947	: DECISION ON PETITION
Filed: October 13, 2006	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 8689P024	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed December 29, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

This pending nonprovisional application was filed on October 13, 2006, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/843,312, which was filed on September 8, 2006 and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 119(e) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 119(e) is submitted after the filing of an application, the

reference to the prior application cannot include an incorporation by reference statement of the prior application. See Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). Note MPEP §§ 201.06(c) and 608.04(b).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a renewed petition under 37 CFR 1.78(a)(6) and a substitute amendment (complying with 37 CFR 1.121 and 37 CFR 1.76(b)(5)) deleting the incorporation by reference statement, are required.

In regard to the statement of delay, the rule 37 CFR § 1.78(a)(6) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(5)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(6). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to Jose' G Dees at (571) 272-1569.



Christopher Bottorff
Petitions Examiner
Office of Petitions



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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

APR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
KAHN et al.	:	
Application No. 11/580,947	:	DECISION ON PETITION
Filed: October 13, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 8689P024	:	

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed April 4, 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

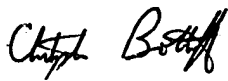
All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Jose' G Dees at (571) 272-1569. Inquiries concerning the status of the application should be directed to the Office of Data Management at (571) 272-4200.

This application is being forwarded to the Office of Data Management for processing into a patent.



Christopher Bottorff
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/580,947	10/13/2006	2622	1260	8689P024	13	3

CONFIRMATION NO. 6425

CORRECTED FILING RECEIPT



OC000000047331405

8791

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

Date Mailed: 04/25/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Philippe Kahn, Aptos, CA;
Arthur Kinsolving, Santa Cruz, CA;
David Vogel, Santa Cruz, CA;

Power of Attorney: The patent practitioners associated with Customer Number 08791

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/843,312 09/08/2006

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/580,947**

Projected Publication Date: Request for Non-Publication Acknowledged

Non-Publication Request: Yes

Early Publication Request: No

Title

METHOD AND APPARATUS TO PROVIDE IMPROVED IMAGE QUALITY IN A CAMERA

Preliminary Class

348

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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1279 OAKMEAD PARKWAY
SUNNYVALE CA 94085-4040

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of	:
Philippe Kahn, et al.	:
Application No. 11/580,947	: DECISION GRANTING PETITION
Filed: October 13, 2006	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8689P024	:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, May 13, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 5, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20111109

DATE : November 9, 2011

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 7898722

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Changes are only typographical corrections.

E.Lester
Examiner of Record

SPE: /Ricky Mack/

Art Unit 2873



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

SEP 21 2011

OFFICE OF PETITIONS

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

In re Patent of Waldmann	:	
Patent No. 7,993,641	:	DECISION ON REQUEST
Issue Date: August 9, 2011	:	FOR RECONSIDERATION OF
Application No. 11/581,008	:	PATENT TERM ADJUSTMENT
Filing Date: October 16, 2006	:	
Attorney Docket No. 07588.0100	:	

This is a decision on the petition filed August 8, 2011, which is being treated as a petition under 37 C.F.R. § 1.705(d) requesting the patent term adjustment indicated on the patent be corrected to indicate the term of the patent is extended or adjusted by four hundred sixty-five (465) days.

The application matured into Patent No. 7,993,641 on August 9, 2011. The patent sets forth a patent term adjustment determination of 283 day.

The instant petition was filed August 8, 2011, one day before the patent issued. A petition under 37 C.F.R. § 1.705(d) seeking review of the patent term adjustment set forth on an issued patent should not be filed prior to the actual issuance of the patent. Any future petitions under 37 C.F.R. § 1.705(d) should be filed during the two-month period following the issuance of the patent.

The petition request for an increase in the patent term adjustment is based on an assertion the correct period of delay under 37 C.F.R. § 1.702(b) ("B Delay") is 290 days, not 108 days as previously calculated by the Office.

Pursuant to 37 C.F.R. § 1.703(b)(1), the period of B Delay does not include:

The number of days, if any, in the period beginning on the date on which a request for continued examination of the application under 35 U.S.C. 132(b) was filed and ending on the date the patent was issued;

Pursuant to 37 C.F.R. § 1.703(b)(4), the period of B Delay does not include:

The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134

and § 41.31 of this title and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

The number of days beginning October 17, 2009, the day after the date three years after the filing date, and ending August 9, 2011, the date the patent issued, is 662 days.

The number of days beginning August 2, 2010, the date the RCE was filed, and ending August 9, 2011, the date the patent issued, is 373 days.

The number of days beginning February 2, 2010, the date the Notice of Appeal was filed, and ending August 8, 2011, the day before the RCE was filed, is 181 days.

The correct period of B Delay is 108 days, which is 662 days reduced by 373 days pursuant to 37 C.F.R. § 1.703(b)(1) and reduced by 181 days pursuant to 37 C.F.R. § 1.703(b)(4).

In view of the prior discussion, the patent term adjustment remains 283 days, as set forth on the patent.

Office records indicate the required \$200 fee set forth in 37 C.F.R. § 1.18(e) was charged twice to a credit card on August 8, 2011. The overpayment of \$200 will be credited back to the credit card in due course.

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203.



Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO, CA 94304

MAILED

OCT 13 2010

OFFICE OF PETITIONS

In re Application of :
John V. ST JOHN :
Application No. 11/581,049 : **DECISION GRANTING PETITION**
Filed: October 13, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. **065284-0650** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 11, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 8, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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PALO ALTO, CA 94304

MAILED

NOV 26 2010

OFFICE OF PETITIONS

In re Application of :
John St. John et al :
Application No. 11/581,049 :
Filed: October 13, 2006 :
Attorney Docket No. 065284-0650 :

ON PETITION

This is a decision on the petition, filed November 23, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 16, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1616 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/581,049	10/13/2006	John ST. John	065284-0650	6809
7590 FOLEY & LARDNER LLP 975 PAGE MILL ROAD PALO ALTO, CA 94304			EXAMINER KASSA, JESSICA M	
			ART UNIT 1616	PAPER NUMBER
			MAIL DATE 01/26/2011	DELIVERY MODE PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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January 25, 2011

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

In re Application of	: DECISION ON PETITION
John, John St., et al,	
Application No: 11/581049	: ACCEPTANCE OF COLOR
Filed: 10/13/2006	: DRAWINGS
Attorney Docket: 065284-0650	:

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 12, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



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TOWNSEND AND TOWNSEND
AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

MAR 11 2011

OFFICE OF PETITIONS

In re Application of
Miller, et al.
Application No. 11/581,095
Filed: 16 October, 2006
Attorney Docket No.: 019959-
006211US

DECISION
ON PETITION

This is a decision on the petition under 37 C.F.R. §1.78(a)(3), filed 6 August, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §120 for the benefit of priority to a prior-filed application.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 C.F.R. §1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. §1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 C.F.R. §1.78(a)(3) and §1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §120 and 37 C.F.R. §1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in 37 C.F.R. §1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. §1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

On deposit on 16 October, 2006, the instant application did not include a claim of priority to: Provisional Application No. 60,330,330 (filed 19 October, 2001) (the '330 application), but did claim priority to Non-Provisional Application No. 10/071,088 (filed 11 February, 2002), which claimed priority to the '330 application.

The petition complies with the requirements of the regulations at 37 C.F.R. §1.78(a)(3) as to reference, surcharge and statement.

Application No. 11/581,095

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§119 and 120 to the above-noted, prior-filed nonprovisional and provisional applications satisfies the conditions of 37 C.F.R. §1.78(a)(3).

The petition is **granted**.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional and provisional applications, accompanies this decision on petition.

Petitioner is reminded that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

The petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §120 to the above-noted, prior-filed provisional applications satisfies the conditions of 37 C.F.R. §1.78(a)(3).

This application is released to Technology Center 2467 for consideration of the amendment by the Examiner.

Any inquiries concerning this decision may be directed to John Gillon at (571) 272-3214. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.



Chris Bottorff
Supervisory Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/581,095	10/16/2006	2467	500	019959-006211US	15	3

CONFIRMATION NO. 6020

CORRECTED FILING RECEIPT



Date Mailed: 03/07/2011

92071

Kilpatrick Townsend & Stockton LLP/Foundry/Brocade
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Frank William Miller, Baltimore, MD;
Aaron Jip Sipper, Silver Spring, MD;

Power of Attorney: The patent practitioners associated with Customer Number 20350

Domestic Priority data as claimed by applicant

This application is a DIV of 10/071,088 02/11/2002 PAT 7,139,263
which claims benefit of 60/330,330 10/19/2001

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 10/31/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/581,095**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Voice over IP architecture

Preliminary Class

370

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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LEVINE BAGADE HAN LLP
2400 GENG ROAD, SUITE 120
PALO ALTO CA 94303

MAILED

APR 25 2011

In re Application of
ALON, Amir et al.
Application No. 11/581,175
Filed: October 16, 2006
Attorney Docket No. CSTPNZ00200

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 12, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by David Levine on behalf of all attorneys of record who are associated with customer No. 40518. All attorneys/agents associated with the Customer Number 40518 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below. There is an outstanding Office action mailed December 07, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PAOLO COSTA**
18 APOLLO ROAD
TIBURON CA 94920



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**SUNSTEIN KANN MURPHY & TIMBERS LLP
125 SUMMER STREET
BOSTON MA 02110-1618**

**MAILED
APR 29 2011
OFFICE OF PETITIONS**

In re Patent No. 7,879,501 :
Issued: February 1, 2011 :
Application No. 11/581,259 : **ON PETITION**
Filed: October 11, 2006 :
Attorney Docket No. 3553/122 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed March 15, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110607

DATE : May 26, 2010

TO SPE OF : ART UNIT 1642

SUBJECT : Request for Certificate of Correction on Patent No.: 7,642,239

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642



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THE WEBOSTAD FIRM, A PROFESSIONAL CORPORATION
150 NORTH WIGET LANE
SUITE 200
WALNUT CREEK CA 94598

MAILED

SEP 01 2010

OFFICE OF PETITIONS

In re Application of :
Horch et al. :
Application No. 11/581,316 : **DECISION ON PETITION**
Filed: October 16, 2006 :
Attorney Docket No. 2000.039.00/US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2010, to revive the above-identified application.

The petition is **GRANTED**.

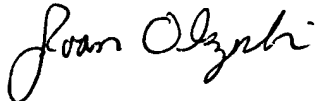
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2009. A Notice of Abandonment was mailed January 22, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 2813 for further appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in cursive script, reading "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions



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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2nd FLOOR
DULUTH GA 30096

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Roth et al.	:	
Application No.: 11/581318	:	ON PETITION
Filing or 371(c) Date: 10/16/2006	:	
Attorney Docket Number:	:	
12807 US02	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed April 14, 2010, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely reply to the Office communication, mailed July 2, 2009. The Office communication set a one (1) month period for reply. Extensions of time under 37 CFR 1.136(a) were available. No complete and proper reply having been received, the application became abandoned on August 3, 2009. A Notice of Abandonment was mailed January 12, 2010.

Applicant files the present petition and response to the Office communication. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a response to the Restriction/Election Requirement; (2) the petition; and (3) the required statement of unintentional delay are filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center Art Unit 1792 for processing of the response in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DW/

Derek Woods
Attorney
Office of Petitions



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Application of
James A. St. Ville
Application No. 11/581,363
Filed: October 17, 2006
Attorney Docket No. 2656-54

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 03, 2009, to revive the above-identified application.

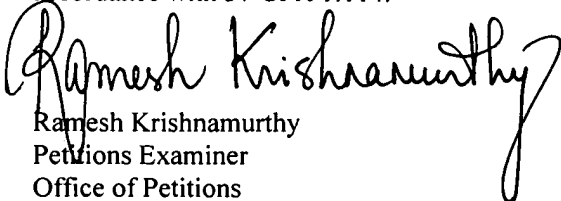
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of March 13, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 14, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2121 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/581,429	10/17/2006	Chin-Chi Yeh	MR3871-118	7469
4586 7590 08/09/2010 ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			EXAMINER YEAGER, RAYMOND P	
			ART UNIT 1651	PAPER NUMBER
			NOTIFICATION DATE 08/09/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoactions@rkpatlaw.com
ptoactions@yahoo.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Application of: Dahne et al :
Serial Number: 11/593353 :
Filed: June 19, 2007 :
Attorney Docket: 00054-0016-001 :
For: **METHOD FOR PRODUCING CORE-SHELL** : **DECISION ON PETITION**
(CS) PARTICLES AND MICROCAPSULES USING :
POROUS TEMPLATES, CS PARTICLES AND :
MICROCAPSULES, AND THE USE THEREOF :

This is in response to applicant's petition to accept color drawings/photographs filed on October 17, 2006.

All requirements under 37 CFR 1.84(a)(2) are met. Accordingly, petition is Granted.

Petition GRANTED.

/Michael G. Wityshyn/
Supervisory Patent Examiner, Art Unit 1651



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Barbara J. Jones
#6B
44 S. Munn Ave.
East Orange NJ 07018

MAILED

AUG 02 2011

In re Application of
Jones

Application No.: 11/581,434

Filed: January 4, 2007

Attorney Docket No:

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), July 25, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition" under 37 CFR 1.137(b)."

This application became abandoned for failure to respond in a timely manner to the non-final Office action mailed January 8, 2009. The notice set a shortened statutory period for reply of three months from its mailing date. A proper response was not received within the allowable period, and the application became abandoned on April 9, 2009. A Notice of Abandonment was mailed August 4, 2009.

Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a non-provisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee, or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

- (4) any terminal disclaimer (and fee set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

The instant petition does not satisfy the requirements of items (1) and (2) above.

As to item (1), the instant petition does not satisfy the requirements of item (1) above. The petition was not accompanied by a bona fide response to the non-final Office action mailed January 8, 2009, that specifically addresses the rejections made in the non-final Office action and makes amendments to the claims. See 37 CFR 1.111. The renewed petition must be accompanied by a response to the non-final Office action that complies with 37 CFR 1.111.

As to item (2), the fee for the instant petition is \$810.00 for a small entity. The petition fee did not accompany the instant petition. To be considered grantable, the renewed petition must be accompanied by the appropriate petition fee.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Questions regarding the non-final Office action and/or any amendments to the claims should be addressed to Examiner Neway or to the Inventors Assistance Center at 1-800-786-9199. Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

MAILED

SEP 02 2011

In re Application of	:	OFFICE OF PETITIONS
Yasuyuki Kino	:	
Application No. 11/581,648	:	DECISION GRANTING PETITION
Filed: October 16, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. S1459.70261US00	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 1, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. Randy J. Pritzker appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Pritzker desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted. All future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 28, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

This application is being referred to Technology Center AU 2614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MAILED

AUG 12 2011

OFFICE OF PETITIONS

Licata & Tyrrell P.C.
66 E. Main Street
Marlton NJ 08053

In re Application of	:	
Kinney et al.	:	
Application No. 11/581,843	:	
Filing Date: October 17, 2006	:	DECISION ON PETITION
Patent No. 7,731,962	:	PURSUANT TO 37 C.F.R.
Issue Date: June 8, 2010	:	§ 3.81(B)
Attorney Docket Number:	:	
MRK0003US	:	
Title: ANTI-ADDL MONOCLONAL	:	
ANTIBODY AND USE THEREOF	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b),¹ submitted on July 29, 2011 to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

Petitioner states that the correct assignee was not listed on form PTOL-85(b).²

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by a copy of the assignment and a copy of the notice

¹ See Official Gazette, June 22, 2004.

² Petition, page 1.

of recordation that establishes that the assignment (which contains the correct assignee) was submitted for recordation in the Office on June 17, 2011.

Payment of the required \$100 certificate of correction fee and the \$130 processing fee is acknowledged.

Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent. The patent issued on June 8, 2010, and the assignment was not submitted for recordation until more than one year had passed.

Hence, the petition must be **DISMISSED**.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225³.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110902

DATE : September 02, 2011

TO SPE OF : ART UNIT 2835

SUBJECT : Request for Certificate of Correction on Patent No.: 7,898,817

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/TIMOTHY THOMPSON/
Supervisory Patent Examiner.Art Unit 2835



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
150 EAST GILMAN STREET
P.O. BOX 1497
MADISON WI 53701-1497

MAILED

NOV 28 2011

OFFICE OF PETITIONS

In re Application
Michael R. Leibfried
Application No. 11/581,900
Filed: October 17, 2006
Attorney Docket No. 091542-0104

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT FOR PATENT APPLICATION UNDER 37 C.F.R. §1.705(b) filed November 17, 2011. Applicant requests that the determination of patent term adjustment be corrected from 927 to 1548 days. Applicant requests this correction in part on the basis that the Office will take in excess of three years to issue this patent and is considered in light of the recent court decision in light of the Court of Appeals for the Federal Circuit's decision in Wyeth v. Kappos, 2009-1120 (Fed. Cir. 1-7-2010).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the patent term adjustment relating to those provisions until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No.

Jane Massey Licata
Licata & Tyrrell P.C.
66 E. Main Street
Marlton NJ 08053

MAILED

AUG 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Strohl	:	
Application No. 11/581,931	:	
Filing Date: October 17, 2006	:	DECISION ON PETITION
Patent No. 7,700,099	:	PURSUANT TO 37 C.F.R.
Issue Date: April 20, 2010	:	§ 3.81(B)
Attorney Docket Number:	:	
MRK0002US.P1	:	
Title: NON-IMMUNOSTIMULATORY	:	
ANTIBODY AND COMPOSITIONS	:	
CONTAINING THE SAME	:	

This is a decision on the petition pursuant to 37 C.F.R. § 3.81(b),¹ submitted on July 28, 2011 to correct the Assignee's information on the Issue Fee Transmittal Form PTOL-85(b).

Petitioner states that the correct assignee was not listed on form PTOL-85(b).²

37 C.F.R. § 3.81(b), effective June 25, 2004, reads:

(b) After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in 3.11 before issuance of the patent, and must include a request for a certificate of correction under 1.323 of this chapter (accompanied by the fee set forth in 1.20(a)) and the processing fee set forth in 1.17(i) of this chapter.

¹ See Official Gazette, June 22, 2004.

² Petition, page 1.

The present request pursuant to 37 C.F.R. § 3.81(b) was accompanied by a copy of the assignment and a copy of the notice of recordation that establishes that the assignment (which contains the correct assignee) was submitted for recordation in the Office on June 17, 2011.

Payment of the required \$100 certificate of correction fee and the \$130 processing fee is acknowledged.

Petitioner has failed to comply with the provisions of this title, and as such, the request cannot be granted. It is clear that the assignment was not submitted for recordation as set forth in 37 C.F.R. § 3.11 before the issuance of this patent. The patent issued on April 20, 2010, and the assignment was not submitted for recordation until more than one year had passed.

Hence, the petition must be **DISMISSED**.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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TROUTMAN SANDERS LLP
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174

MAILED

NOV 18 2011

OFFICE OF PETITIONS

In re Application of
Nezih Cereb et al
Application No. 11/582,008
Filed: October 16, 2006
Attorney Docket No. 236863-000001

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 2, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$465 and the submission required by 37 CFR 1.114; (2) the petition fee of \$930; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$990 extension of time submitted with the petition on November 2, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's Deposit Account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 1631 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Gerard F. Diebner
900 Third Avenue
New York, NY 10022



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AT& T LEGAL DEPARTMENT - SZ
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER, NJ 07921

MAILED
MAY 23 2011
OFFICE OF PETITIONS

In re Application of
ROBERT A. KOCH
Application No. 11/582,032
Filed: October 17, 2006
Attorney Docket No. 01448 CON
:
:
: DECISION ON
: PETITION
:
:

This is a decision on the petition filed November 24, 2008 under 37 CFR 1.181 requesting the refund of fees paid.

The request is **DISMISSED**.

Any reply must be submitted within TWO MONTHS from the mail date of this decision. Extensions of time under 37 CFR § 1.136(a) are permitted. This is not a final agency action within the meaning of 5 U.S.C. § 704.

Petitioner, on November 12, 2008 submitted fees in the amount of \$1650.00 (\$540.00 for an appeal; \$1110.00 for a 3 month extension of time). Petitioner now request refund of these fees on the basis that since the Office failed to respond by the 6-month statutory date set for abandonment of the above application he was forced to pay the fees. Petitioner alleges that the examiner had agreed to the allowance of the application since the amendment after allowance placed the application in condition for allowance. Noting that petitioner was forced to pay the fees due to the delay on the part of the examiner, petitioner now request refund.

A refund of a fee will not be granted, unless paid by mistake. MPEP 607.02 states:

When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is **not** a "fee paid by mistake" within the meaning of 35 U.S.C. 41(d).

A review of the record in this application indicates that the fees were necessary to avoid abandonment of the application. Hence the fees paid are not the result of a mistake. Petitioner does not have a right to entry of an amendment after final. The record indicates that a final rejection was mailed on May 13, 2008. In the absence of the filing of the Notice of Appeals and the 3-month extension of time, the application would have been statutorily abandoned on August 11, 2008. The actions of the Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt. See MPEP 1.2. Accordingly, the petition must be dismissed.

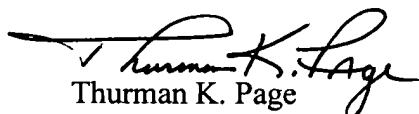
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-0602.


Thurman K. Page
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/582,057	10/16/2006	Kiminobu Sugaya	10669-053	9489
7590 01/11/2011				
Timothy H. Van Dyke 390 No. Orange Avenue Suite 2500 Orlando, FL 32801				
EXAMINER				
SAJJADI, FEREYDOUN GHOTB				
ART UNIT		PAPER NUMBER		
1633				
MAIL DATE		DELIVERY MODE		
01/11/2011		PAPER		

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

January 11, 2011

Timothy H. Van Dyke
390 No. Orange Avenue
Suite 2500
Orlando FL 32801

In re Application of	:	
Sugaya, Kiminobu et al	:	DECISION ON PETITION
Application No.11/582,057	:	
Filed: 10/16/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. 10669-053	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 05, 2007.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

MAILED

JAN 11 2011

OFFICE OF PETITIONS

In re Application of
Ahmed Tariq, et al.
Application No. 11/582,124
Filed: October 16, 2006
Attorney Docket No. 20868US01

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, January 7, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 13, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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FEB 04 2011

OFFICE OF PETITIONS

BURR & BROWN
PO BOX 7068
SYRACUSE, NY 13261-7068

In re Patent No. 7,853,337 :
Issue Date: December 14, 2010 :
Application No. 11/582,138 :
Filed: October 17, 2006 :
Patentee(s): Gottfried Keller, et. al. :

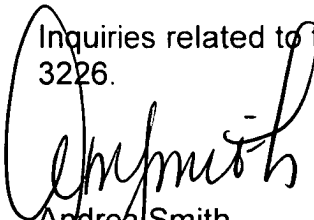
NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on November 26, 2010.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/582,278	10/16/2006	Bayard S. Webb	0112300-3551	1594
29159	7590	08/25/2010		
K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			08/25/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100816

DATE : August 16, 2010

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction on Patent No.: 7,326,110

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☒ **Denied**

State the reasons for denial below.

Comments:

The applicant requests correcting the filing date of the application number 10/233,979 from "September 3, 2002" to "September 3, 2003". However, the filing date of the application number 10/233,979 (patent number 7,121,943) is actually September 3, 2002. Since the information on the original filing date of the application 10/233,979 (patent number 7,121,943) is correct on the printed patent 7,326,110, the request to correct such the information is denied.

/THOMAS G BLACK/
Supervisory Patent Examiner.Art Unit 3661



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCCARTER & ENGLISH, LLP HARTFORD
CITYPLACE I
185 ASYLUM STREET
HARTFORD CT 06103

MAILED

DEC 14 2011

OFFICE OF PETITIONS

In re Patent No. 8,071,009	:
Py et al	:
Issue Date: December 6, 2011	: DECISION ON REQUEST FOR
Application No. 11/582,291	: RECONSIDERATION OF
Filed: October 17, 2006	: PATENT TERM ADJUSTMENT
Attorney Docket No. 97818.00255	: AND NOTICE OF INTENT
Title: STERILE DE-MOLDING	: TO ISSUE CERTIFICATE OF
APPARATUS AND METHOD	: CORRECTION
	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT DETERMINATION UNDER 37 C.F.R. § 1.705(d)" filed on December 7, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by six hundred forty-six (646) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED**.

The \$200.00 petition fee set forth in 37 CFR 1.18(e) has been assessed. No additional fees are required.

The application is being forwarded to the Certificate of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **six hundred forty-six (646)** days.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

Telephone inquiries specific to this matter should be directed to undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema Grant". The signature is fluid and cursive, with a large initial "C" and a stylized "G".

Charlema Grant.
Attorney Advisor
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 8,071,009 B2

DATED : December 6, 2011

DRAFT

INVENTOR(S): Py et al

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 623 days

Delete the phrase "by 623 days" and insert – by 646 days--



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of
Hiroaki Sugiura et al
Application No. 11/582,352
Filed: October 18, 2006
Attorney Docket No. SUGI3004/GAL

:
:
:
:
:

ON PETITION

This is a decision on the petition, filed October 8, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 16, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3664 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF WYETH*

Attorney Docket
Number: 64553.001057

Application
Number: 11/582,382

Filing Date
(or 371(b) or (f) Date): 10-18-2006

Patent Number: 7,662,200

Issue Date: 02-16-2010

First Named
Inventor: Steven L. Knuth

Title: VACUUM BAG MOUNTING AND VIEWING FEATURES

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date August 16, 2010

Name
(Print/Typed) Michael P. F. Phelps

Registration Number 48,654

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON, DC 20006-1109

Mail Date: 08/23/2010

Applicant	: Steven L. Knuth	: DECISION ON REQUEST FOR
Patent Number	: 7662200	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/582,382	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **675** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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**THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222**

**MAILED
SEP 12 2011
OFFICE OF PETITIONS**

In re Application of :
WINTER :
Application No. 11/582,407 : **DECISION ON PETITION**
Filed: October 18, 2006 :
Docket No. 32179 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 18, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 15, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 16, 2010. A Notice of Abandonment was mailed November 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) a statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that

such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The Office acknowledges the Power of Attorney filed with the petition dated August 18, 2011, and it has been entered.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2612 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/582,407	10/18/2006	Dan Winter	32179

CONFIRMATION NO. 9098

POA ACCEPTANCE LETTER



28289
THE WEBB LAW FIRM, P.C.
ONE GATEWAY CENTER
420 FT. DUQUESNE BLVD, SUITE 1200
PITTSBURGH, PA 15222

Date Mailed: 09/09/2011

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2011.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/582,407	10/18/2006	Dan Winter	32179

67801
MARTIN D. MOYNIHAN d/b/a PRTSI, INC.
P.O. BOX 16446
ARLINGTON, VA 22215

CONFIRMATION NO. 9098
POWER OF ATTORNEY NOTICE



OC00000049739820

Date Mailed: 09/09/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 08/18/2011.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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SAM SILVERBERG
6820 32ND ST NW
WASHINGTON DC 20015

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
Alain CERF :
Application No. 11/582,409 : **DECISION ON PETITION**
Filed: October 18, 2006 :
Attorney Docket No. :

This is a decision on the petitions, filed June 22, 2010 and resubmitted June 24, 2010, which is being treated as a petition under 37 CFR 1.8(b), requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue and publication fees on or before May 19, 2010, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 19, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on May 20, 2010.

Petitioner states that a timely reply was filed via facsimile on April 18, 2010, which included a PTO-2038 credit card payment form for the proper amount. Petitioner has submitted a copy of the previously faxed correspondence, and a copy of the auto-reply facsimile receipt from the Office, which would have rendered the reply timely if received.

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received

in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

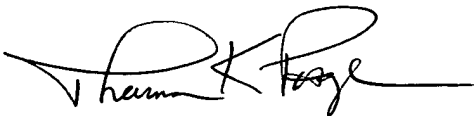
- (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
- (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
- (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition satisfies the above requirements of 37 CFR 1.8(b). Accordingly, the holding of abandonment for failure to timely file a reply to the Office action of February 19, 2010 is hereby withdrawn and the application restored to pending status.

The issue and publication fees received with the petition will be accepted.

Telephone inquiries concerning this decision should be directed to the Michelle R. Eason at 571-272-4231

This application is being referred to the Office of Data Management.

A handwritten signature in black ink, appearing to read 'Thurman K. Page', with a long horizontal line extending to the right.

Thurman K. Page
Petitions Examiner
Office of Petitions

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

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REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: **67097-666 PUS1**

Patent Number: **7662059**

Filing Date
(or 371(b) or (f) Date): **10/18/2006**

Issue Date: **02/16/2010**

First Named
Inventor: **Michael E. McCune**

Title: **LUBRICATION OF WINDMILLING JOURNAL BEARINGS**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/Karin H. Butchko/**

Date **8-12-2010**

Name
(Print/Typed) **Karin H. Butchko**

Registration Number **45864**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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CARLSON, GASKEY & OLDS/PRATT & WHITNEY
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 08/18/2010

Applicant	: Michael E. McCune	: DECISION ON REQUEST FOR
Patent Number	: 7662059	: RECALCULATION of PATENT
Issue Date	: 02/16/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/582,581	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/18/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **565** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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OFFICE OF PETITIONS

**STACY L. TAYLOR
DLA PIPER US LLP
4365 EXECUTIVE DRIVE, SUITE 1100
SAN DIEGO CA 92121-2133**

In re Application of	:	
TUSZYNSKI	:	
Application No. 11/582,618	:	DECISION ON PETITION
Filed: October 17, 2006	:	
Docket No. ST-UCSD3260-8	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 14, 2008, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 15, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) and a statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on April 8, 2010, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-1600.

This application is being referred to Technology Center AU 1632 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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MAR 28 2012

OFFICE OF PETITIONS

In re Application of	:	
Lin et al.	:	DECISION ON PETITION
Application No. 11/582,810	:	TO WITHDRAW
Filed: October 18, 2006	:	FROM RECORD
Attorney Docket No. 30371-0052001/37010-	:	
US-PA	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed March 16, 2012, which is being treated as a request to withdraw from employment in a proceeding before the Office under 37 C.F.R. § 10.40.

The request is **DISMISSED**.

A review of the file record indicates that Rex Huang does not have power of attorney in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, a review of USPTO records reveals that the "Power Of Attorney By Assignee" filed October 18, 2006 was erroneously accepted. The requests by the assignees, did not comply with 37 CFR 3.73(b). 37 CFR 3.73(b) provides that: (1) when an assignee seeks to take action in a matter before the Office, the assignee must establish its ownership of the property to the satisfaction of the Commissioner; (2) ownership is established by submitting to the Office, in the Office file related to the matter in which action is sought to be taken, documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment submitted for recording) or by specifying (e.g., reel and frame number) where such evidence is recorded in the Office; (3) the submission establishing ownership must be signed by a party authorized to act on behalf of the assignee; and (4) documents submitted to establish ownership may be required to be recorded as a condition to permitting the assignee to take action in a matter pending before the Office.

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

Since no proper Statement under 37 CFR § 3.73(b) was submitted the request was improper and the Filing Receipt mailed November 7, 2006 is hereby withdrawn. A corrected filing receipt is enclosed. Currently, there is no Power of Attorney in the above-identified application. Petitioner is designated only as the Correspondence Address of record according to the Declaration By The Inventors filed October 18, 2006. As such, all future communications from the Office will be directed to the above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address has been submitted.

Currently, there is an outstanding Office action mailed February 17, 2012 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/582,810	10/18/2006	2629	2020	30371-0052001/37010-US-PA	26	4

CONFIRMATION NO. 1574

CORRECTED FILING RECEIPT



OC000000053389460

26161
FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

Date Mailed: 03/28/2012

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Wen-Tsung Lin, Tainan, TAIWAN;
Yung-Li Huang, Tainan, TAIWAN;
Ying-Wen Yang, Tainan, TAIWAN;

Assignment For Published Patent Application

Chi Mei Optoelectronics Corporation, Tainan, TAIWAN

Power of Attorney: None

Domestic Priority data as claimed by applicant

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

TAIWAN 94144865 12/16/2005

If Required, Foreign Filing License Granted: 11/07/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/582,810**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Flat panel display

Preliminary Class

345

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely:

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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25 AUG 2010

UNITED STATES PATENT AND TRADEMARK OFFICE

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HUNTON & WILLIAMS LLP
INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of	:
Xiaodong Li, et al.	: DECISION ON PETITIONS
Application No. 11/583,097	: UNDER 37 CFR 1.78(a)(3) AND
Filed: October 19, 2006	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 67824.700301	:

This is a decision on the renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) for the benefit of the prior-filed applications set forth in the concurrently filed amendment filed June 16, 2010. Applicant previously provided payment of the petition fee and no additional petition fee is required.

The petitions are **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR §§ 1.78(a)(3)

and 1.78(a)(6) in that (1) a reference to the prior-filed applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR §§ 1.78(a)(2)(iii) and 1.78(a)(5)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. §§ 120 and 119(e) to the prior-filed applications satisfies the conditions of 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§120 and 365(c) and 1.78(a)(1) and (a)(2) and under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Any questions concerning this matter may be directed to Derek A. Putonen at (571) 272-3294. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 1647 for appropriate action on the amendment submitted June 16, 2010, including consideration by the examiner of the claim for benefit of the prior-filed applications.



Bryan Lin
Legal Examiner
Office of PCT Legal Administration

Attachment: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/583,097	10/19/2006	Xiaodong Li	67824.700301	2651
21967 7590 12/01/2010 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER LANDSMAN, ROBERT S	
			ART UNIT 1647	PAPER NUMBER
			MAIL DATE 12/01/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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December 1, 2010

INTELLECTUAL PROPERTY DEPARTMENT
1900 K STREET, N.W.
SUITE 1200
WASHINGTON DC 20006-1109

In re Application of :
LI, XIAODONG et,el : **DECISION ON PETITION**
Application No. 11/583,097 :
Filed: 10/19/2006 :
Attorney Docket No. 67824.700301 :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 19, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDERMOTT WILL & EMERY LLP
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

MAILED

MAR 14 2011

In re Application of
Yasuhiro TANAKA
Application No. 11/583,144
Filed: October 19, 2006
Attorney Docket No. **065933-0319**

:
:
:
: **OFFICE OF PETITIONS**
: **DECISION GRANTING PETITION**
: **UNDER 37 CFR 1.313(c)(2)**
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 11, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 14, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2617 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE

3/25/2011

TO SPE OF

ART UNIT

2112Shelly Chase

SUBJECT

Request for Certificate of Correction for Appl. No.:

11/583198

Patent No.:

7900120

CofC mailroom date:

3/15/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Certificates of Correction Branch
703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.



Approved

All changes apply.



Approved in Part

Specify below which changes do not apply.



Denied

State the reasons for denial below.

Comments: _____

SCOTT BADERMAN

SUPERVISORY PATENT EXAMINER

SPE

2112

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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**MICHAEL A. NELSON
TEKTRONIX, INC.
14150 S.W. KARL BRAUN DRIVE
P.O. BOX 500 (50-LAW)
BEAVERTON OR 97077-0001**

**MAILED
OCT 07 2011
OFFICE OF PETITIONS**

In re Application of :
He et al. :
Application No. 11/583,200 : **DECISION ON PETITION**
Filed: October 18, 2006 :
Attorney Docket No. 8198-US0 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 14, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before August 29, 2011, as required by the Notice of Allowance and Fee(s) Due mailed May 27, 2011. Accordingly, the date of abandonment of this application is August 30, 2011. A Notice of Abandonment was mailed September 13, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 09/23/11

TO SPE OF : ART UNIT 1711

SUBJECT : Request for Certificate of Correction for Appl. No.: 11583232 Patent No.: 7919138

CofC mailroom date: 09/13/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: _____

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: All changes approved.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Michael Barr/

SPE Art Unit 1711

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (02-10)

Approved for use through 07/31/2010. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: **06-608**

Application
Number: **11/583,300**

Filing Date
(or 371(b) or (f) Date): **October 19, 2006**

Patent Number: **7,673,535**

Issue Date: **March 9, 2010**

First Named
Inventor: **Arnold Sterki**

Title: **GEARWHEEL SET FOR A TRANSMISSION**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/Gregory P. LaPointe #28395/**

Date **August 30, 2010**

Name
(Print/Typed) **Gregory P. LaPointe**

Registration Number **28,395**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 10 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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BACHMAN & LAPOINTE, P.C.
900 CHAPEL STREET
SUITE 1201
NEW HAVEN, CT 06510

Mail Date: 09/07/2010

Applicant	: Arnold Sterki	: DECISION ON REQUEST FOR
Patent Number	: 7673535	: RECALCULATION of PATENT
Issue Date	: 03/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/583,300	: OF WYETH
Filed	: 10/19/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110218

DATE : February 15, 2011

TO SPE OF : ART UNIT 3735

SUBJECT : Request for Certificate of Correction on Patent No.: 7,867,165

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/Charles A. Marmor, II/
Supervisory Patent Examiner, Art Unit 3735

OK TO ENTER: /C.M./

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

PTO/SB/44 (09-07)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,867,165

APPLICATION NO.: 11/583,433

ISSUE DATE : January 11, 2011

INVENTOR(S) : Stephen J. Brown

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Column 18, claim 17, line 52, replace "(q)" with "(g)".

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Christopher P. Maiorana, P.C.
24840 Harper Avenue, Suite 100
St. Clair Shores, MI 48080

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : **08/11/11**

TO SPE OF : ART UNIT **3769 Attn: YAO SAMCHUAN (SAM) C (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/583434** Patent No.: **7967016**

CofC mailroom date: 08/01/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check Related U.S. Application Data
& Cross-Reference to Related Application

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Sam Chuan Yao/

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/18/10

TO SPE OF : ART UNIT 1783

SUBJECT : Request for Certificate of Correction for Appl. No.: 11583545 Patent No.: 7776444

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/David R. Sample/

1783

SPE

Art Unit



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DAVID K. LUCENTE; SEAGATE TECHNOLOGY, LLC
INTELLECTUAL PROPERTY DEPT. - COL2LGL
389 DISC DRIVE
LONGMONT, CO 80503

MAILED

DEC 14 2010

In re Application of	:	OFFICE OF PETITIONS
Bruce A. Liikanen, et. al.	:	
Application No. 11/583,598	:	DECISION ON PETITION
Filed: October 19, 2006	:	
Attorney Docket No. STL7878/390-053-CIP7	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed August 18, 2010, which is requesting withdrawal of the holding of abandonment in the above-identified application.

The present petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Richard J. Holzer, Jr. appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

This application was held abandoned for failure to reply to the Notice of Drawing Inconsistency with Specification (Notice) mailed April 9, 2010, which set a one (1) month or thirty (30) days, whichever is longer, from the mailing date of the Notice, or within the time remaining in the time period set forth in the Notice of Allowability mailed March 26, 2010. A Notice of Abandonment was mailed on July 23, 2010.

Petitioner asserts that the Notice dated April 9, 2010 was not received.

A review of the written record indicates an irregularity in the mailing of the Notice of April 9, 2010. In this regard, the Office received a Power of Attorney or Revocation of Power of Attorney with a New Power of Attorney and Change of Correspondence Address on March 31, 2010, prior to the mailing of the Notice of April 9, 2010. Accordingly, as the Notice was mailed to an incorrect address, the Notice of Abandonment mailed July 23, 2010 is hereby vacated and the holding of abandonment withdrawn¹.

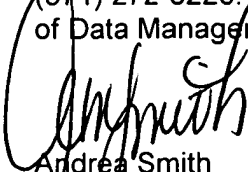
In view of the above, the petition is **granted**.

A courtesy copy of this decision is being mailed to petitioner. Thereafter, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

¹ The undersigned acknowledges receipt of docket records from the previous attorneys/agents and the current attorneys/agents of record received on August 18, 2010.

This application is being referred to the Office of Data Management for **remailing** the Notice of April 9, 2010 and resetting the period for reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. Questions regarding the remailing of the Notice should be directed to the Office of Data Management at (571) 272-4000 or 1-888-786-0101.



Andrea Smith
Petitions Examiner
Office of Petitions

cc: Richard Holzer, Jr.
Hensley Kim & Holzer, LLC
1660 Lincoln Street, Suite 3000
Denver, CO 80264



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CORNING INCORPORATED
SP-TI-3-1
CORNING, NY 14831

MAILED

JUN 23 2011

OFFICE OF PETITIONS

In re Patent of Bookbinder et al.	:	
Patent No. 7,635,685	:	
Issue Date: December 22, 2009	:	Decision on Petition
Application No. 11/583,619	:	
Filing Date: October 19, 2006	:	
Attorney Docket No. SP05-125A	:	

This is a letter in response to the petition under 37 CFR 3.81(b), which requests the Office accept the correction of the assignee data on the front page of the patent.

The request under 37 CFR 3.81 is **GRANTED**.

Pursuant to 37 CFR 3.81(b), a request to have a patent corrected to add, or change, an assignee's name must:

1. State an assignment to the assignee was recorded before issuance of the patent,
2. Include a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a), and
3. Include the fee set forth in 37 CFR 1.17(i).

Patentees have met the requirements set forth above. Therefore, the request is granted.

The Certificates of Correction Branch will be informed of the instant decision and will issue a certificate of correction with the requested assignee information in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Zachary D. Wiseman :
Application No. 11/583,707 : **DECISION ON PETITION**
Filed: October 20, 2006 :
Attorney Docket No. 32771.00002.US00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed May 11, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 12, 2009. A Notice of Abandonment was mailed November 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the Restriction Requirement, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

MAILED

JUN 03 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Zachary D. Wiseman :
Application No. 11/583,711 :
Filed: October 20, 2006 :
Attorney Docket No. 32771-00003.US00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

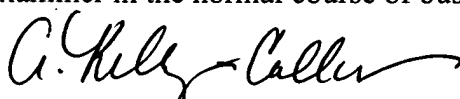
The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 26, 2008, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 27, 2008. A Notice of Abandonment was mailed October 27, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810 , and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2832 for appropriate action by the Examiner in the normal course of business on the reply received April 20, 2011


Alicia Kelley-Collier
Petitions Examiner
Office of Petitions



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STEVEN W. WEINRIEB
SCHWARTZ & WEINRIEB
CRYSTAL PLAZA ONE, SUITE 1109
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

MAILED

MAY 09 2011

OFFICE OF PETITIONS

In re Application of
Zachary D. WISEMAN
Application No. 11/583,712
Filed: October 20, 2006
Attorney Docket No. 120-003-1

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 20, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed November 05, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 06, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$810.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Restriction Requirement of November 05, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 3677 for appropriate action by the Examiner in the normal course of business on the reply received

Michelle R. Eason
Paralegal Specialist
Office of Petitions



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/583,768	10/20/2006	Xavier Schultze	129836	4394
7590 Oliff & Berridge, PLC P.O. Box 320850 Alexandria, VA 22320-4850		09/09/2010		
EXAMINER DICKINSON, PAUL W				
ART UNIT		PAPER NUMBER		
1618				
NOTIFICATION DATE		DELIVERY MODE		
09/09/2010		ELECTRONIC		

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management



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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED
MAR 17 2011
OFFICE OF PETITIONS

In re Patent No. 7,746,295 :
Issue Date: June 29, 20010 :
Application No. 11/583,849 : **DECISION ON PETITION**
Filed: October 20, 2006 :
Attorney Docket No. NIT-397-02 :

This is a decision on the Request For Certificate Of Correction Applicants' Mistake (37 CFR §1.323), filed November 8, 2010, which is being treated as a Petition Under 37 CFR §3.81(b) to add the second assignee's name and residence. A completed modified Certificate of Correction Form was submitted with Petition.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner urges that the present Petition was submitted to add the second assignee's name and residence on the previously submitted PTOL-85B and such error was Applicants' mistake. Accordingly, petitioner requests that a Certificate of Correction (PTO/SB/44) be issued to add the second assignee's name and residence to the Title Page of the Letters Patent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

U.S. Patent and Trademark Office assignments records disclose that **no** assignment to *Hitachi, Ltd., Tokyo (JP) and Fujitsu Hitachi Plasma Display Limited, Kawasaki (JP)* was recorded in the above-identified patent. Accordingly, since **no** assignment was submitted for recordation in the above-identified patent, issuance of a certification of correction would not be proper.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor
Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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MATTINGLY & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

MAILED
APR 13 2011
OFFICE OF PETITIONS

In re Patent No. 7,746,295	:	
Issue Date: June 29, 20010	:	
Application No. 11/583,849	:	RENEWED DECISION ON PETITION
Filed: October 20, 2006	:	
Attorney Docket No. NIT-397-02	:	

This is a decision on the Second Request Under 37 CFR §3.81(b) For A Patent To Be Corrected To State The Names Of The Assignees And Response To Decision On Petition Mailed March 17, 2011, filed March 24, 2011, to add the second assignee's name and residence on the front page of the above-identified patent by way of a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **GRANTED**.

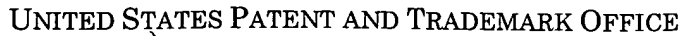
The petition decision mailed March 17, 2011, dismissed the 37 CFR §3.81(b) petition filed November 8, 2010, because of the USPTO assignment records disclose no assignment to Hitachi, Ltd., Tokyo (JP) and Fujitsu Hitachi Plasma Display Limited, Kawasaki (JP) was recorded. After further review, the assignment documents show that Hitachi, Ltd., Tokyo (JP) and Fujitsu Hitachi Plasma Display Limited, Kawasaki (JP) was submit for recordation in the parent application (U.S. Serial No. 10/649,725) has the assignee. Therefore, the renewed petition is granted.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Any questions concerning the issuance of a Certificate of Correction should be directed to the Certificates of Correction Branch at (703)756-1814.

This matter is being referred to the Certificates of Correction Branch for processing of a Certificate of Correction in U.S. Patent No. 7,746,295.

Cheryl Gibson-Baylor
Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



Patent No. : 7,831,618 B2
Ser. No. : 11/583,884
Inventor(s) : Shigeto Hiraga, et. al.
Issued : November 9, 2010

By mail:

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Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(571) 272-3422 or 703- 756 -1580

Carl Brundidge
Brundidge & Stanger, P.C.
2318 Mill Road, Suite 1020
Alexandria, VA 22314

ej



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BRUNDIDGE & STANGER, P.C.
2318 MILL ROAD, SUITE 1020
ALEXANDRIA VA 22314

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Patent No. 7,831,618 :
Issue Date: 11/09/2010 :
Application No. 11/583,884 :
Filed: 10/20/2006 :
Attorney Docket No. 500.42888CX1 :

ON PETITION

This is a decision on the PETITION REQUESTING CERTIFICATE OF CORRECTION UNDER 37 CFR §3.81(b) and 37 CFR 1.323 filed December 6, 2010.

Patentees request correction of the front page of the Letters Patent to include the correct assignee data via Certificate of Correction. With the present request, patentees submitted a completed Certificate of Correction form and paid the requisite fees. Furthermore, it is noted that the assignment was recorded with the USPTO prior to the issuance of the patent.

In view of the above, the request under 37 CFR 3.81(b) to correct the assignee data is GRANTED.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction as to the assignment information.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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DICKSTEIN SHAPIRO LLP
1825 EYE STREET NW
Washington, DC 20006-5403

Mail Date: 08/04/2010

Applicant	: Shigeru Irisawa	: DECISION ON REQUEST FOR
Patent Number	: 7643750	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/583,904	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/20/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **434** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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Zoran Mihajlovic
Vukasoviceva 23, stan 4
11090 Beograd, Serbia
Beograd 11090 RS Republic of Serbia

MAILED
FEB 27 2012
OFFICE OF PETITIONS

In re Zoran Mihajlovic
Application No.: 11/584,032
Filed: October 20, 2006
Patent No.: 7,839,549
Issued: November 23, 2010

:
: **DECISION**
: **GRANTING-IN-PART**
: **PETITION**
:

This is a decision on the December 22, 2010 petition titled "Petition to the Director to Review Decision of the USPTO Office of Data Management," as supplemented by the February 16, 2011 paper titled "Supplement to Petition to the Director to Review Decision of the USPTO Office of Data Management, Dated December 22, 2010," and the June 1, 2011 paper titled "Request for Admissions" ("the supplemented December 22, 2010 petition").

The supplemented December 22, 2010 petition is before the Office of Patent Legal Administration (OPLA) for consideration.

The supplemented December 22, 2010 petition is **granted-in-part**.

Application No. 11/584,032 ("the '032 application") was filed on October 20, 2006, pursuant to the provisions of 35 U.S.C. § 111 with six sheets of drawings containing a total of eight figures (the last figure identified as FIG. 7). The '032 application Image File Wrapper record reveals that, while the drawings were amended several times over the course of prosecution, there remained six sheets of drawings containing a total of eight figures (the last figure identified as FIG. 7) throughout. The '032 application, however, issued as U.S. Patent No. 7,839,549 ("the '549 patent") on November 23, 2010, with only five sheets of drawings (the sixth drawing sheet containing FIG. 7 was omitted).

The supplemented December 22, 2010 petition seeks to have the '549 patent reprinted with the complete set of six drawing sheets.

A patent may be reprinted where there is a mistake on the part of the Office, and a certificate of correction is deemed inappropriate in form.¹ A certificate of correction is

¹ See: 35 U.S.C. § 254; 37 CFR 1.322(b).

typically appropriate in form where the errors are less than substantially the entire document. In particular, a certificate of correction is the normal mechanism for correcting a patent where, as here, the patent was printed with drawings, but not with a complete set of drawings.

Therefore, to the extent that the supplemented December 22, 2010 petition is requesting a corrected patent in accordance with 35 U.S.C. § 254 and 37 CFR 1.322(b), the petition is dismissed, and a certificate of correction issued instead on December 21, 2010, to replace in the '549 patent the incomplete set of five sheets of drawings with the complete set of six sheets of drawings.

The Office, however, provided on December 21, 2010, a courtesy corrected reprint for patent owner's records. Therefore, the supplemented December 22, 2010 petition is granted to the extent that the Office provided on December 21, 2010, a courtesy corrected reprint of the '549 patent for patent owner's records. Although a courtesy corrected reprint of the '549 patent has been provided for patent owner's records, the Image for the '549 patent in the USPTO Patent Full-Text and Image Database maintained by the Office will continue to contain the original printed patent with the incomplete set of five sheets of drawings followed by the complete set of six sheets of drawings in the form of the December 21, 2010 Certificate of Correction.

Any inquiry concerning this decision should be directed to Raul Tamayo, Legal Advisor, at (571) 272-7728.



Brian E. Hanlon
Director
Office of Patent Legal Administration
Office of the Associate Commissioner
for Patent Examination Policy



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**DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133**

**MAILED
MAR 09 2012
OFFICE OF PETITIONS**

In re Application of
KATSARAVA, et al
Application No. 11/584,143
Filed: October 19, 2006
Attorney Docket No. MEDIV2090-1

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 14, 2012.

The request is **NOT APPROVED**.

The Office will either change the correspondence address of record to the most current address information provided for a new practitioner or law firm who has filed a proper power of attorney, the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, since the change of correspondence address appears to be that of a new practitioner or law firm who has not filed a proper power of attorney in the Office, the Request to Withdraw filed February 14, 2012, cannot be approved.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: RAMAZ KATSARAVA ET AL.
C/O MARK EKSE, HAGEN WILKA
& ARCHER LLP
600 S MAIN AVENUE, SUITE 102
SIOUX FALLS SD 57104



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DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO CA 92121-2133

MAILED
APR 16 2012
OFFICE OF PETITIONS

In re Application of	:	
KATSARAVA, et al	:	
Application No. 11/584,143	:	DECISION ON PETITION
Filed: October 19, 2006	:	TO WITHDRAW
Attorney Docket No. MEDIV2090-1	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 29, 2012.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Lisa Haile on behalf of the attorneys of record associated with Customer No. 28213.

The attorneys of record associated with Customer No. 28213 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below until otherwise properly notified by the applicant.

Inquiries concerning this decision should be directed to the undersigned at (571) 272- 6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: MEDIVAS, LLC
P.O. BOX 33419
SAN DIEGO CA 92163



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/584,143	10/19/2006	Ramaz Katsarava	MEDIV2090-1

28213
DLA PIPER LLP (US)
4365 EXECUTIVE DRIVE
SUITE 1100
SAN DIEGO, CA 92121-2133

CONFIRMATION NO. 6129
POWER OF ATTORNEY NOTICE



Date Mailed: 04/16/2012

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 03/29/2012.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Baohua Qi
6076 Basswood Drive
Columbus IN 47201

MAILED

AUG 11 2010

In re Application of
BAOHUA QI
Application No. 11/584,165
Filed: October 20, 2006
Attorney Docket No.

OFFICE OF PETITIONS

ON PETITION

This is in response to the communication, filed March 2, 2010, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

The instant petition was not properly signed. Therefore, since the petition was submitted without a signature, the petition can not be granted at this time. In this regard, petitioner's attention is directed to 37 CFR 1.33(b), which states.

(b) Amendments and other papers. Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:

- (1) A registered patent attorney or patent agent of record appointed in compliance with § 1.32(b);
- (2) A registered patent attorney or patent agent not of record who acts in a representative capacity under the provisions of § 1.34;
- (3) An assignee as provided for under § 3.71(b) of this chapter; or
- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter.

An unsigned amendment (or other paper) or one not properly signed by a person having authority to prosecute the application is not entered. This applies, for instance, where the amendment (or other paper) is signed by only one of two applicants and the one signing has not been given a power of attorney by the other applicant.

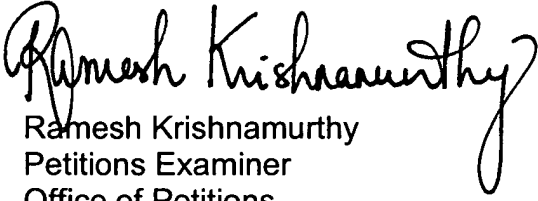
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to JoAnne Burke at (571) 272-4584.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Columbus IN 47201

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DEC 06 2010

OFFICE OF PETITIONS

In re Application of
BAOHUA QI
Application No. 11/584,165
Filed: October 20, 2006
Attorney Docket No.

:
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ON PETITION

This is in response to the renewed petition filed September 21, 2010, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181 (no fee).

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be submitted within two (2) months from the mail date of this decision and be entitled "Renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181." See 37 CFR 1.181(f).

On October 30, 2009, the Office mailed a Notice of Allowance and Fees Due/Notice of Allowability which set a three (3) month statutory period to reply. On February 18, 2010, the Office mailed a Notice of Abandonment.

In the present petition, petitioner requests that the Office withdraw the holding of abandonment due to nonreceipt of the "Notice of Non-Compliant Amendment." Specifically, petitioner states that he believed that "a new format change of the drawings" was no longer required after receiving the Notice of Allowance and fee(s).

DISCUSSION OF PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner still has not met the burden of proof to have the petition granted. Petitioner has stated that he did not receive the Notice of Non-compliant Amendment that was mailed on October 21, 2009. Petitioner should note that the file record does not indicate that a "Notice of Non-Compliant Amendment" was mailed in response to applicant's submission filed October 21, 2009. However, A Notice of Allowance and Fees Due along with a Notice of Allowability was mailed to the applicant on October 30, 2009, requiring the submission of the issue fee, publication fee, and replacement drawings in compliance with the Examiner's Amendment attached thereto. Petitioner has also stated that he received the Notice of Allowance and Fee(s) Due and paid the issue fee

in a timely manner. Therefore, as the petitioner was notified in the Notice of Allowance of the requirement for the corrected drawings and did not timely file the corrected drawings, the application became abandoned by law on January 31, 2010. As the application was properly abandoned, the instant petition to withdraw the holding of abandonment cannot be granted.

DISCUSSION OF PETITION FILED UNDER 37 CFR 1.137(b)

It is noted that in the submissions a petition to revive an unintentionally abandoned application under 37 CFR 1.37(b) was included.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In non-provisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The rules and statutory provisions governing the operation of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay. In this instance, the fee required by law is \$1,620. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be \$810. The petition in the above-identified application was not accompanied by payment of the required fee. No consideration on the merits can be given to the petition until the required fee is received.

Once again the petitioner is reminded that he may wish to consider hiring a registered patent attorney or agent to assist in the prosecution of this application. Additionally, petitioner is encouraged to contact the Inventors Assistance Center (IAC) by telephone at 800-786-9199 or 571-272-1000, Monday through Friday from 8:30 AM to 5:30 PM (EST). The IAC provides patent information and services to the public and is staffed by former Supervisory Patent Examiners and experienced Primary Examiners who answer general questions concerning patent examining policy and procedure.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to JoAnne Burke at (571) 272-4584.


Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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6076 Basswood Drive
Columbus IN 47201

MAILED

MAY 16 2011

OFFICE OF PETITIONS

In re Application of

BAOHUA QI

Application No. 11/584,165

Filed: October 20, 2006

Attorney Docket No.

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:
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ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2011, to revive the above-identified application.

This application became abandoned for failure to timely submit corrected drawings on or before February 1, 2010, as required by the Notice of Allowability, mailed October 30, 2009. Accordingly, the date of abandonment of this application is February 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

The petition is hereby **GRANTED**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data Management for normal processing.

JoAnne Burke
Petitions Examiner
Office of Petitions



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MILBANK TWEED HADLEY & MCCLOY, LLP
1 CHASE MANHATTAN PLAZA
NEW YORK, NY 10005-1413

MAILED

DEC 22 2010

OFFICE OF PETITIONS

In re Application of

James SIMINOFF

Application No. 11/584,176

Filed: October 20, 2006

Attorney Docket No. **36885.00402**

DECISION ON PETITION TO
WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed September 20, 2010.

The request is **NOT APPROVED**.

A review of the file record indicates that James Klaiber of Milbank, Tweed, Hadley & McCloy, LLP does not have power of attorney in this patent application nor is he otherwise engaged in the proceedings in this patent application. The file record reveals that on June 8, 2010 a revocation of power of attorney was filed revoking power to all attorneys associated with Milbank, Tweed, Hadley & McCloy, LLP. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

All future communications from the Office will continue to be directed to the below-listed address until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **GIBBONS P.C.
ONE GATEWAY CENTER
NEWARK NJ 07102**



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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/584,193	10/20/2006	Kuangkai Liu	10257	5901
<div>27752 7590 04/21/2011</div> <div>THE PROCTER & GAMBLE COMPANY</div> <div>Global Legal Department - IP</div> <div>Sycamore Building - 4th Floor</div> <div>299 East Sixth Street</div> <div>CINCINNATI, OH 45202</div>				
			EXAMINER	
			KIDWELL, MICHELE M	
			ART UNIT	PAPER NUMBER
			3761	
			MAIL DATE	DELIVERY MODE
			04/21/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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THE PROCTER & GAMBLE COMPANY
Global Legal Department - IP
Sycamore Building - 4th Floor
299 East Sixth Street
CINCINNATI OH 45202

In re Application of: ::
LIU, KUANGKAI :
Serial No.: 11/584,193 :
Filed: Oct. 20, 2006 ::
Docket: 10257

DECISION ON PETITION

Title: DISPOSABLE ABSORBENT ARTICLES
HAVING A PARTIALLY VISIBLE
GRAPHIC

This is a decision on the petition filed on Oct. 24, 2009 to review the examiner's Office action of July 16, 2009. The petition is being considered pursuant to 37 CFR 1.181. No fee is required. The delay of this decision on petition is regretted.

The petition is **DISMISSED** as moot.

Pertinent to this petition, the record shows the following:

- 1) On July 16, 2009, a Final Office Action was mailed to the applicant.
- 2) On October 14, 2009, a petition was filed to review the examiner's Office action of July 16, 2009.
- 3) In response, on December 7, 2009, the applicant filed an Appeal Brief appealing the final Office action of July 16, 2009.
- 4) On February 1, 2010, the examiner mailed an Examiner's Answer.
- 5) On September 9, 2010, the applicant withdrew the appeal by filing a RCE with IDS.
- 6) On February 17, 2011, a non-Final Office action was mailed.

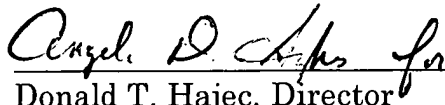
In view of the prosecution history, the relief the applicant request, namely the reviewing the Office action of July 16, 2009, is no longer necessary. The petitioner's request for relief is moot.

11/584 193

Application Serial No. T2/216,587
Decision on Petition

Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION DISMISSED as moot.



Donald T. Hajec, Director
Technology Center 3700



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ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

FEB 10 2011

OFFICE OF PETITIONS

In re Application of :
Davis et al. :
Application No. 11/584,197 : **DECISION ON PETITION**
Filed: October 20, 2006 :
Attorney Docket No. 71808.00021 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely submit Corrected Drawings on or before November 26, 2010, as required by the Notice of Allowance and Fee(s) Due and the Notice of Allowability, mailed August 25, 2010. Accordingly, the date of abandonment of this application is November 27, 2010. A Notice of Abandonment was mailed December 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) Corrected Drawings, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to Publishing Division for processing into a patent and review of the Corrected Drawings submitted with the instant petition.

Joan Olszewski
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ABELMAN, FRAYNE & SCHWAB
666 THIRD AVENUE, 10TH FLOOR
NEW YORK NY 10017

MAILED

FEB 11 2011

In re Application:
Davis et al.
Application No. 11/584,197
Filed: October 20, 2006
Attorney Docket No. 71808.00021

OFFICE OF PETITIONS

ON PETITION

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed December 27, 2010.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
Emeryville, CA 94662-8097

MAILED
NOV 15 2010
OFFICE OF PETITIONS

In re Application of	:	
Venkatakrishna SHYAMALA	:	
Application No. 11/584,253	:	DECISION GRANTING PETITION
Filed: October 20, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. PAT051914-US-DIV1	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed November 12, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on October 11, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1637 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/28/10

TO SPE OF : ART UNIT 2858

SUBJECT : Request for Certificate of Correction for Appl. No.: 11584322 Patent No.: 7532012

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Ha Nguyen
SPE

2858
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/12/11

TO SPE OF : ART UNIT 2818

SUBJECT : Request for Certificate of Correction for Appl. No.: 11584350 Patent No.: 7851815

CofC mailroom date:

12/21/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: Corrections are not new matter, and do not change scope nor meaning of the
claims.

Formatted: Indent: Left: 1.22"

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

John Doe

2818

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/584,353	10/20/2006	Nikolaus Feichtenschlager	D0641.70028US00	3985
23628 7590 10/25/2010 WOLF GREENFIELD & SACKS, P.C. 600 ATLANTIC AVENUE BOSTON, MA 02210-2206			EXAMINER MUSSEY, BARBARA J	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 10/25/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Mailed: 10/25/10

In re application of :
Nikolaus Feichtenschlager et al. :
Application Number: 11/584,353 :
Filed: October 20, 2006 :
For: METHOD OF PRODUCING HOLLOW :
PLASTIC COMPONENTS :

**DECISION ON
PETITION**

This is a decision on the petition filed on July 31, 2008 to correct inventorship in a patent under 37 CFR 1.324.

Decision

Applicants are deemed to have fulfilled the requirements under 37 CFR 1.324 in that the petition is accompanied by: (1) Statements from the currently named inventors, including the inventor whose name is being added, agreeing to the change of inventorship and that the error in inventorship occurred without deceptive intent; (2) A statement from the assignee of the parties submitting statements under (1) above agreeing to the change of inventorship in the patent in compliance with 37 CFR 3.73(b); and (3) the fee set forth in 37 CFR 1.20(b).

The petition is **GRANTED**.

The file is being forwarded to Certificate of Corrections Branch for Issuance of a certificate adding Leopold Eisterlehner and Hannes Zaleschak as co-inventors with Nikolaus Feichtenschlager, Andreas Jurgen, Christian Auzinger, Philipp Siedl and Erich Katzlberger.



Katarzyna Wyrozebski SPE 1746
Technology Center 1700
Chemical and Materials Engineering

WOLF, GREENFIELD & SACKS, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2206



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

April 21, 2011

Arnold & Porter LLP (24126)
Attn: SV Docketing Dept.
1801 Page Mill Road
Suite 110
Palo Alto CA 94304

Re Application of
JAKOBOVITS, AYA, Et al

Application: 11/584413

Filed: 10/19/2006

Attorney Docket No: **GNE-0160R3-1C2**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**
:

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) January 14, 2010.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquires relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/584,413	10/19/2006	Aya Jakobovits	GNE-0160R3-1C2	5340
7590 04/25/2011 Arnold & Porter LLP (24126) Attn: SV Docketing Dept. 1801 Page Mill Road Suite 110 Palo Alto, CA 94304			EXAMINER HALVORSON, MARK	
			ART UNIT 1642	PAPER NUMBER
			NOTIFICATION DATE 04/25/2011	DELIVERY MODE ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101022

DATE : October 22, 2010

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 9/27/10

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Examiner: Hung Dang

Knobbe Martens Olson & Bear LLP

Intellectual Property Law

12790 El Camino Real
San Diego CA 92130
Tel 858-836-9000
Fax 858-836-9001
www.kmob.com

Ankur Garg
Ankur.Garg@kmob.com

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Title: SYSTEMS AND METHODS OF TESTING MICRO-
ELECTROMECHANICAL DEVICES

Letters Patent No. 7,619,810

Issued: November 17, 2009

Our Reference: IRDM.056CPC5C1

OK Approved. By Hung Dang
10/22/10

Dear Sir:

Enclosed for filing is a Certificate of Correction in connection with the above-identified patent.

At least one error cited in the Certificate of Correction was incurred through the fault of the Applicant, payment will be made via EFS web. Please charge any additional fees to our Deposit Account No. 11-1410.

Respectfully submitted,

Knobbe, Martens, Olson & Bear, LLP

Date: _____

9/27/10

By: _____

Ankur Garg
Registration No. 62,463
Customer No. 59,747

Enclosures

9344624:071410/MLC

Orange County
949-760-0404

San Francisco
415-954-4114

Los Angeles
310-551-3450

Riverside
951-781-9231

Seattle
206-405-2000

Washington, DC
202-640-6400

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,619,810
APPLICATION NO. : 11/584,425
ISSUE DATE : November 17, 2009
INVENTOR(S) : Mark W. Miles

Page 1 of 2

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At Page 1, Line 2, change "(Imod)" to --(IMod)--.

At Page 2, Column 2, Line 10, change "Skaggs et al," to --Skaggs et al.,--.

At Sheet 19 of 22, Line 2, change "ATTENTUATOR" to --ATTENUATOR--.

At Column 2, Line 55 (Approx.), change "FIG." to --FIGS.--.

At Column 2, Line 59, change "micro ring" to --microring--.

At Column 3, Line 20 (Approx.), change "FIG." to --FIGS.--.

At Column 4, Line 18 (Approx.), change "micro mechanical" to --micromechanical--.

At Column 5, Line 13, change "11." to --128.--.

At Column 6, Line 1, change "electroptical" to --electro optical--.

At Column 6, Line 14, change "IMod In" to IMod in--.

At Column 6, Line 56 (Approx.), change "electroptical" to --electro optical--.

At Column 7, Line 9, change "sub pixel" to --subpixel--.

At Column 7, Line 10, change "sub pixels" to --subpixels--.

At Column 8, Line 67, after "Nagami," change "et al," to --et al.,--.

At Column 9, Line 23, change "from" to --From--.

At Column 12, Line 58, change "subprocess" to --sub process--.

At Column 13, Line 33, change "SiO2" to --SiO₂--.

At Column 13, Line 53, change "(PBG's)" to --(PBGs)--.

At Column 13, Line 54, after "Joannopoulos," change "et al" to --et al.,--.

At Column 14, Line 35, change "plane;" to --plane,--.

MAILING ADDRESS OF SENDER:

Ankur Garg
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. IRDM.056CPC5C1

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,619,810
APPLICATION NO. : 11/584,425
ISSUE DATE : November 17, 2009
INVENTOR(S) : Mark W. Miles

Page 2 of 2

At Column 15, Line 61, change "polyphenylquinoine-" to --polyphenylquinoline--.

At Column 16, Line 63, change "Crossection" to --Cross-section--.

At Column 17, Line 15, after "Little," change "et al," to --et al.,--.

At Column 19, Line 1, change "SiO2" to --SiO₂--.

At Column 19, Line 43, after "Zhou," change "et al," to --et al.,--.

At Column 20, Line 16 (Approx.), change "15H" to --15B--.

At Column 20, Line 38, change "TiO2" to --TiO₂--.

At Column 20, Line 38, change "SiO2" to --SiO₂--.

At Column 21, Line 31 (Approx.), change "17 A" to --17A--.

At Column 21, Line 44, change "aresenide" to --arsenide--.

At Column 21, Line 66, change "attentuator" to --attenuator--.

At Column 23, Line 48, change "XeF2," to --XeF₂,--.

At Column 25, Line 46, after "etching" insert --techniques to achieve profiles which are similar to those illustrated by, 2104 (triangular), 2106, (cylindrical) and 2108 (Klopfenstein taper). The effective diameter of the base 2102 of--.

At Column 27, Line 13, Claim 7, change "structures and," to --structures; and--.

9343279:071410/MLC

MAILING ADDRESS OF SENDER:

Ankur Garg
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street, 14th Floor
Irvine, California 92614

DOCKET NO. IRDM.056CPC5C1

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101203

DATE : October 22, 2010

TO SPE OF : ART UNIT 2873

SUBJECT : Request for Certificate of Correction on Patent No.: 9/27/10

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: /Ricky Mack/



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Nixon Peabody, LLP
401 Ninth Street, NW
Suite 900
Washington, DC 20004

MAILED

NOV 05 2010

In re Application of
Bijan Tadayon et al.
Application No. 11/584,590
Filed: October 23, 2006
Attorney Docket No. 111325-221000

OFFICE OF PETITIONS

**DECISION ON PETITION
TO WITHDRAW
FROM RECORD**

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 10, 2010.

The request is **moot because a revocation of power of attorney has been filed.**

A review of the file record indicates that the power of attorney to Jeffrey L. Costellia and all attorneys/agents of record has been revoked by the assignee of the patent application on September 16, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

cc: Reed Smith, LLP
P.O. Box 488
Pittsburgh, PA 15230



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA VA 22314

MAILED

NOV 30 2010

OFFICE OF PETITIONS

In re Application of :
Takashi Kinouchi :
Application No. 11/584,674 : DECISION GRANTING PETITION
Filed: October 23, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 297932US8 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, November 29, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 18, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 3664 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : June 9, 2011

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction for Appl. No.: 11584732 Patent No.: 7790750

CofC mailroom date: May 31,
2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Title page item (60) and col's 39 and 40

Certificates of Correction Branch
703-756-1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

X **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Janet L. Andres/ 1625

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DARBY & DARBY P.C.
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NY 10008-0770

MAILED

JUL 19 2011

OFFICE OF PETITIONS

In re Application of
Arthur ASHMAN, et al.
Application No. 11/584,735
Filed: October 19, 2006
Attorney Docket No. **01527/1201461-US1**

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 19, 2011, requesting withdrawal of the holding of abandonment in the above-identified application. This is also a decision on the petition under the unintentional provisions of 37 CFR 1.137(b) concurrently filed January 19, 2011.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.181 is hereby **DISMISSED** as moot.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of July 15, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP

711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is October 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on January 19, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1767 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Thurman K. Page
Petitions Examiner
Office of Petitions

cc: **MANEESH GULATI**
MCCARTER & ENGLISH, LLP
265 FRANKLIN STREET
BOSTON, MA 02110



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/584,776	10/20/2006	Edwin L. Madison	3800003.00005 / 4903	5286
77202	7590	01/25/2011		
K&L Gates LLP 3580 Carmel Mountain Road Suite 200 San Diego, CA 92130			EXAMINER SWOPE, SHERIDAN	
			ART UNIT 1652	PAPER NUMBER
			MAIL DATE 01/25/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND
TRADEMARK OFFICE

JAN 25 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

K&L Gates LLP
3580 Carmel Mountain Road
Suite 200
San Diego CA 92130

In re Application of:
Madison et al.
Serial No.: 11/584,776
Filed: October 20, 2006
Attorney Docket No: **3800003.00005 / 4903**

: PETITION DECISION

This is in response to the petition filed on January 13, 2011 under 37 CFR 1.181 to correct the misclassification of submitted Information Disclosure Statements. Specifically, applicants request correction of the classification in PAIR of the Information Disclosure Statements submitted on April 9, 2009; July 30, 2009; and January 5, 2011 in connection with the above-referenced application and consideration by the Examiner of the documents and information contained therein.

Applicants argue the “Information Disclosure Statements were submitted in connection with the above-captioned application on April 9, 2009; July 30, 2009; and January 5, 2011. Each Information Disclosure Statement was prepared in accordance with 37 C.F.R 1.97 and 1.98. As required under 37 C.F.R 1.98, each Information Disclosure Statement contained 1) a list of all patents, publications, applications, or other information submitted for consideration by the Office, including a column that provides a space next to each document to be considered, for the examiner's initials and a heading that clearly indicates that the list is an Information Disclosure Statement; and 2) legible copies of all items listed. The items either were in English or a translation was provided. A copy of the misclassified Information Disclosure Statements filed on April 9, 2009; July 30, 2009; and January 5, 2011 is attached.

The submitted Information Disclosure Statement included a tabular Form PTO-1449, which was classified as an "IDS," and a written disclosure of information. In each instance, the written disclosure of information was misclassified in PAIR as a "Transmittal Letter" (April 9, 2009, "Transmittal Letter" of 4 pages; July 30, 2009, "Transmittal Letter" of 4 pages; and January 5, 2011, "Transmittal Letter" of 2 pages). Consequently the information contained therein may not be considered or reviewed by the Examiner."

Applicants' argument has been accorded careful consideration and is persuasive. PAIR will be corrected to reflect the misclassification of the submitted Information Disclosure Statements of April 9, 2009; July 30, 2009; and January 5, 2011.

DECISION

The petition is **GRANTED**.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

/MC Seidel/
Marianne C. Seidel, Quality Assurance Specialist
Technology Center 1600



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 16 2010

OFFICE OF PETITIONS

In re Patent No. 7,703,322	:	
Issue Date: April 27, 2010	:	
Application No. 11/584,787	:	DECISION ON PETITION
Filed: October 23, 2006	:	
Attorney Docket No. 2018-1514	:	

This is a decision on the communication filed May 28, 2010. This is also a decision on the petition under 37 CFR 1.182, filed May 21, 2010, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition under 37 CFR 1.182 is **DISMISSED** as Moot.

The petition under 37 CFR 1.182 for issuance of a duplicate Letters Patent is dismissed in view of the communication filed May 28, 2010, requesting that the petition for duplicate letters patent be withdrawn because applicant received the original letters patent on May 26, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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Alexandria, VA 22313-1450
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May 2, 2011

SALIWANCHIK, LLOYD & EISENSCHENK
A PROFESSIONAL ASSOCIATION
P.O. BOX 142950
GAINSVILLE FL 32614-2950

In re Application of	:	
Patti C. Crawford et al.	:	DECISION ON PETITION
Application No. 11584818	:	
Filed: 10/19/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. UF.445XC2	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) December 19, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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PAUL W. MARTIN
NCR CORPORATION, LAW DEPT.
3097 SATELLITE BLVD., 2ND FLOOR
DULUTH GA 30096

MAILED

NOV 22 2011

OFFICE OF PETITIONS

In re Application of	:	
BARBER, et al	:	
Application No. 11/584,865	:	DECISION ON PETITION
Filed: October 23, 2006	:	
Docket No. 15216-D01	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 3, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, September 28, 2010, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on December 29, 2010. A Notice of Abandonment was mailed April 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) and the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Technology Center at (571) 272-3600.

This application is being referred to Technology Center AU 3627 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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**K&L Gates LLP
IP Docketing
630 Hansen Way
Palo Alto CA 94304**

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
D.J. Perng et al.	:	
Application No. 11/585,011	:	DECISION ON PETITION
Filed: October 23, 2006	:	
Attorney Docket No. TSMC2006-0354	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit a substitute oath or declaration in a timely manner in reply to the Notice to File Corrected Application Papers – Notice of Allowance Mailed (Notice), mailed May 11, 2010, which set a period for reply of one (1) month. Accordingly, this application became abandoned on June 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an oath or declaration and surcharge (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to the Office of Data management for appropriate action in the normal course of business on the reply received.

/JoAnne Burke/
JoAnne Burke
Petitions Examiner
Office of Petitions



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MUNCY, GEISSLER, OLDS & LOWE, PLLC
4000 LEGATO ROAD
SUITE 310
FAIRFAX, VA 22033

MAILED
OCT 08 2010
OFFICE OF PETITIONS

Patent No. 7,487,801 :
Application No. 11/585,131 :
Filed: October 24, 2006 : **NOTICE**
Issued: February 10, 2009 :
Attorney Docket No. 3914-0120PUS1 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Inquiries related to this communication should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions

cc: JAMES HELLWEGE
MUNCY, GEISSLER, OLDS & LOWE, PLLC
P O BOX 1364
FAIRFAX, VA 22038



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/585,143	10/24/2006	Kazuhiro Sumi	04329.4020-00000	6610
7590 09/03/2010 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER VU, HUY DUY	
			ART UNIT 2461	PAPER NUMBER
			MAIL DATE 09/03/2010	DELIVERY MODE PAPER

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d) *The declaration of express abandonment is recognized*

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Nomi Armes
Patent Publication Branch
Office of Data Management

Exam Date: 09/03/2010
Examined by: [illegible]
[illegible]

Adjustment date: 09/07/2010
09/23/2006 PAYABLE: 02330329 11555:43
02 FC:1111 -523.00 US

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: **8017-1205**

Patent Number: **7,667,257**

Filing Date
(or 371(b) or (f) Date): **24-Oct-2006**

Issue Date: **23-Feb-2010**

First Named
Inventor: **IJIMA, Shinpei**

Title: **CAPACITOR AND PROCESS FOR MANUFACTURING THE SAME**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/Benoit Castel/**

Date **August 18, 2010**

Name
(Print/Typed) **Benoit Castel**

Registration Number **35041**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH**
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/25/2010

Applicant	: Shinpei Iijima	: DECISION ON REQUEST FOR
Patent Number	: 7667257	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/585,203	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/24/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **591** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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MAILED

APR 12 2011

OFFICE OF PETITIONS

Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta GA 30309-4530

In re Application of	:	
Soenke Schnepel et al.	:	
Application No. 11/585,289	:	DECISION ON PETITION
Filed: October 23, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ADO06-	:	
023(B371)	:	

This is a decision on the petition, filed March 14, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **DISMISSED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 16, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A review of the file record discloses that on October 23, 2006, petitioner submitted a nonpublication request under 35 U.S.C. 122(b). On March 14, 2011, petitioner submitted a Notification of Foreign Filing Pursuant to 37 CFR 1.213(b) indicating rescission of the previous nonpublication request, however, the required statement "I hereby **rescind** the previous nonpublication request" was omitted. Accordingly, the petition cannot be considered at this time. A PTO/SB/36 Rescission of Previous Nonpublication Request form has been enclosed for petitioner's convenience.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

A handwritten signature in black ink, appearing to read 'J. Burke', is written over the printed name 'JoAnne Burke'.

JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: PTO/SB/36 Rescission of Previous Nonpublication Request Form



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Commissioner for Patents
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Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta GA 30309-4530

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of
Soenke Schnepel et al.
Application No. 11/585,289
Filed: October 23, 2006
Attorney Docket No. **ADO06-**
023(B371)

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the renewed petition, filed May 10, 2011, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark Office (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. See 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on February 16, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

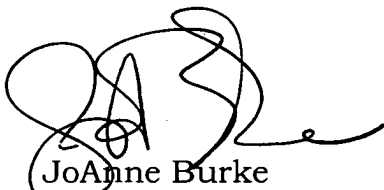
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of August 25, 2011, accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being forward to Office of Data Management for normal course of business.



JoAnne Burke
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/585,289	10/23/2006	Soenke Schnepel	ADO06-023(B371)

CONFIRMATION NO. 7006

**NONPUBLICATION RESCISSION
LETTER**



72058
Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530

Date Mailed: 05/18/2011

**Communication Regarding Rescission Of
Nonpublication Request and/or Notice of Foreign Filing**

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 08/25/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jlburke/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta GA 30309-4530

MAILED
JUN 01 2011
OFFICE OF PETITIONS

In re Patent No. 7,631,260 :
Issue Date: December 8, 2009 :
Application No. 11/585,326 : ON PETITION
Filed: October 23, 2006 :
Attorney Docket No. ADO06-028(B379) :

This is a decision on the petition, filed April 11, 2011, a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on October 23, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 1, 2011 accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Files Respository.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/585,326	10/23/2006	Brian Riggs	ADO06-028(B379)

CONFIRMATION NO. 6007

NONPUBLICATION RESCISSION LETTER



72058
Kilpatrick Townsend & Stockton LLP
Adobe Systems, Inc. 58083
1100 Peachtree Street
Suite 2800
Atlanta, GA 30309-4530

Date Mailed: 05/23/2011

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/01/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"¹ then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/kainabinet/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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FEB 10 2012

OFFICE OF PETITIONS

Kinney & Lange, P.A.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

In re Application of	:	
James et al.	:	
Application No.: 11/585439	:	DECISION ON
Filing or 371(c) Date: 10/24/2006	:	PETITION
Attorney Docket Number: U73.12-0045	:	

This is a decision in response to the petition to withdraw the holding of abandonment based upon failure to receive an Office action, filed January 13, 2012. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 11, 2011. The Notice set a three (3) month period for reply. No extensions of time were available. No reply having been received, the application became abandoned on August 12, 2011. A Notice of Abandonment was mailed November 22, 2011.

Petition under 37 CFR 1.181

Petitioner herein, the law firm of Kinney & Lange, P.A., files the present petition and asserts that the Office action was never received. In support of this assertion, Petitioner provides that Office actions are received at the correspondence address of record, that of CPA Global, and transmitted electronically via a cloud based Foundation IP System. Petitioner provides further that if the Office action had been received, information would have been entered in CPA's Global Docketing System, the Foundation IP system, and Kinney and Lange's docketing system. Petitioner attaches exhibits – one entitled "PETITION TO WITHDRAW HOLDING – additional sheets," and a second entitled "MASTER FILE REPORT" - and notes that client names have been redacted, and that the Office action was not entered into any of these systems. Petitioner

provides further that according to CPA Global, the Office action was not received at the correspondence address, and it was also not received at Kinney & Lange's business address.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of *Delgar* is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied)

MPEP 711.03(c)

Analysis

Applicant has failed to demonstrate that the Notice was not received. In support of the petition, Petitioner attaches exhibits and notes that client names have been redacted, and that the Office action was not entered into any of these systems; however, Petitioner does not provide identification of the owner of the systems – Kinney & Lange or CPA Global? As Petitioner notes, the correspondence address of record is that of CPA Global. In order to grant a petition to withdraw the holding of abandonment based upon non-receipt of an Office action, petitioner must demonstrate that the Office action was not received at the correspondence address of record. Further to this, the statement describing the system used for recording an Office action received at the correspondence address of record with this Office must be from a person with firsthand knowledge of the system used for docketing. In this instance, petitioner herein, Kinney & Lange, is not the correspondence address of record and does not aver firsthand knowledge of non-receipt of the Office action or of the system used for docketing. A statement – based upon firsthand knowledge - describing the system used for recording the Office action received at the correspondence address of record with the USPTO. Here, the practitioner is not in a position to provide a statement based upon firsthand knowledge, that the Office action was not received at the correspondence address of record.

In addition, a copy of the master docket record showing all replies docketed for a date three (3) months from the mail date of the Office action, is required. If no master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary statement(s), copies of docket records and/or file jacket.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97 247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in was “unavoidable.” An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

By FAX: (571) 273-8300
Attn: Office of Petitions

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Kinney & Lange, P.A.
c/o CPA Global
P.O. Box 52050
Minneapolis MN 55402

MAILED
APR 13 2012
OFFICE OF PETITIONS

In re Application of :
James et al. :
Application No.: 11/585439 : **DECISION ON**
Filing or 371(c) Date: 10/24/2006 : **PETITION**
Attorney Docket Number: U73.12-0045 :

This is a decision in response to the renewed petition to withdraw the holding of abandonment under 37 CFR 1.137(a) based upon failure to receive an Office action, filed March 28, 2012. The renewed petition is properly treated under 37 CFR 1.181(a)(no fee).

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 11, 2011. The Notice set a three (3) month period for reply. No extensions of time were available. No reply having been received, the application became abandoned on August 12, 2011. A Notice of Abandonment was mailed November 22, 2011.

January 13, 2012 Petition under 37 CFR 1.181

Petitioner herein, the law firm of Kinney & Lange, P.A., filed a petition on January 13, 2012, and asserted that the Office action was never received. In support of this assertion, Petitioner provided that Office actions are received at the correspondence address of record, that of CPA Global, and transmitted electronically via a cloud based Foundation IP System. Petitioner provided further that if the Office action had been received, information would have been entered in CPA's Global Docketing System, the Foundation IP system, and Kinney and Lange's docketing system. Petitioner attached exhibits – one entitled "PETITION TO WITHDRAW HOLDING – additional sheets," and a second entitled "MASTER FILE REPORT" - and noted that client names have been redacted, and that the Office action was not entered into any of these systems. Petitioner further provided that according to CPA Global, the Office action was not

received at the correspondence address, and it was also not received at Kinney & Lange's business address.

The February 10, 2012 decision dismissing petition

The petition was dismissed in a Decision mailed February 12, 2012. The decision dismissing the petition informed petitioner that in order to grant a petition to withdraw the holding of abandonment based upon non-receipt of an Office action, petitioner must demonstrate that the Office action was not received at the correspondence address of record. Further to this, the statement describing the system used for recording an Office action received at the correspondence address of record with this Office must be from a person with firsthand knowledge of the system used for docketing. In this instance, petitioner herein, Kinney & Lange, was not the correspondence address of record and did not have firsthand knowledge of non-receipt of the Office action or of the system used for docketing. A statement – based upon firsthand knowledge – describing the system used for recording the Office action received at the correspondence address of record with the USPTO was required. Here, the practitioner was not in a position to provide a statement based upon firsthand knowledge, that the Office action was not received at the correspondence address of record.

In addition, a copy of the master docket record showing all replies docketed for a date three (3) months from the mail date of the Office action, was required. Petitioner was advised that if no master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The present renewed petition

Petitioner files the present renewed petition and a statement based upon firsthand knowledge from an employee at CPA Global describing the system used for recording the Office action received at the correspondence address of record.

Petitioner also includes a copy of the docket record for the present application, along with a summary of all mail received at the correspondence address for Kinney & Lange, P.A. in the relevant time period.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides:

In *Delgar v. Schulyer*, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of *Delgar*, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and re-mail the Office action.

That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133). To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response. Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required. A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions). (Emphasis supplied)

MPEP 711.03(c)

Analysis

Applicant has failed to demonstrate that the Notice was not received. In support of the petition, Petitioner a summary of all mail received at the correspondence address for Kinney & Lange, P.A. in the relevant time period. However, what is required is a copy of the master docket record showing all replies docketed for a date three (3) months from the mail date of the Office action, is required. If no master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

The petition is dismissed without prejudice. Applicant should file a Request for Reconsideration of Petition and include the necessary copies of docket records and/or file jacket.

Alternate venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. Public Law 97 247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUN 22 2011

PCT LEGAL ADMINISTRATION

ROBERT SMYTH
MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

In re Application of:	:	DECISION ON
SEARS et al	:	
Application No.: 11/585,521	:	PETITIONS
Filing Date: 23 October 2006	:	
Atty Docket No.: 067345-5014	:	UNDER
For: METHOD OF TREATING CLOSTRIDIUM	:	
DIFFICILE - ASSOCIATED DIARRHEA	:	37 CFR § 1.78(a)(3) and (a)(6)
	:	
	:	
	:	

This is in response to applicants' "PETITION PURSUANT TO 37 C.F.R. 1.78(a)(3)" filed on 16 March 2011, which has been treated under 37 C.F.R. 1.78(a)(3) and 1.78(a)(6) to accept unintentionally delayed claim of priority.

The petition is DISMISSED.

The present application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed international and provisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3) and 1.78(a)(6).

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 119(e) and 37 CFR 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and

- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional

The petition complies with the requirements of items (2),

For item (1), the amendment that accompanied the petition incorrectly indicates that 10/520,863 claims benefit of international application PCT/US2003/021977. 10/520,863 is the national stage entry of PCT/US2003/021977 and not a separate application filing. The benefit claim is therefore improper.

For item (3), while petitioner has provided a statement of unintentional delay, there is a question whether the entire delay was unintentional. In the "Request For Correction of Filing Receipt" filed on 14 April 2008, applicant requested deletion of, inter alia, priority claim to 10/520,863 and 60/399,956. This deletion suggests that applicant intended to remove the priority claims to the above mentioned applications, which is contrary to the unintentional requirement for this petition. Accordingly, applicant is required to provide an adequate showing to establish that the entire delay was unintentional before the petition can be granted.

Therefore, having found that the instant petition for acceptance of unintentionally delayed claims for the benefit of priority under 35 U.S.C. §119(e) and §120 to the prior-filed applications failed to satisfy the conditions of 37 CFR 1.78(a)(3) and (a)(6), the petition is dismissed.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration

Shian Luong
PCT Special Programs Examiner
Office of PCT Legal Administration
Telephone: (571) 272-4557


Boris Milef
Senior PCT Legal Examiner
Office of PCT Legal Administration



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 17 2011

OFFICE OF PETITIONS

**JAG PATENT SERVICES LLC
1901 OLD MIDDLEFIED WAY, SUITE 21
MOUNTAIN VIEW CA 94043**

In re Application of	:	
GAVNEY	:	
Application No. 11/585,528	:	DECISION ON PETITION
Filed: October 23, 2006	:	
Attorney Docket No. JAG-00140	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 24, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Office communication, mailed January 27, 2011, which set a period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on February 28, 2011. A Notice of Abandonment was mailed August 30, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$930; and (3) the required statement of unintentional delay.

The petition dated October 24, 2011, indicates a petition fee of \$270 and an additional fee of \$40 was charged. As of September 26, 2011, the petition fee as set forth under 37 CFR 1.17(m) is \$930 (small entity). As authorized, an additional fee of \$620 will be charged to Deposit Account No. 50-4546.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3727 for appropriate action by the Examiner in the normal course of business on the reply received October 24, 2011.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



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P.O. Box 1450
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APR 15 2011

OFFICE OF PETITIONS

**PIONEER PATENT, LLC
P.O. BOX 128
NORTHBROOK IL 60065-0128**

In re Application of :
LEVIN :
Application No. 11/585,580 : **DECISION ON PETITION**
Filed: October 24, 2006 :
Docket No. BUB-SMOKE 20409 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 22, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 7, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 8, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3644 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

MAY 17 2011

OFFICE OF PETITIONS

**HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
3404 E. HARMONY ROAD
MAIL STOP 35
FORT COLLINS CO 80528**

In re Application of :
WU :
Application No. 11/585,603 : **DECISION ON PETITION**
Filed: October 23, 2006 :
Attorney Docket No. 200601496-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 23, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before February 7, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed November 5, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on February 8, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1510 and publication fee of \$300; (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

All other inquiries should be directed to the Office of Data Management at (571) 272-4200.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

ADVANCED LIQUID LOGIC, INC.
C/O WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN NC 28563-0867

MAILED
FEB 14 2012
OFFICE OF PETITIONS

In re Application of :
Pollack, et al. :
Application No. 11/585,618 :
Filed: October 23, 2006 :
Attorney Docket No. **060885-00023.D002DV2**

ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed January 26, 2012, to change the order of the inventors cited on this application in USPTO records.

The petition is **granted**.

The order of the inventors is now as follows:

1. Michael G. Pollack
2. Varnsee K. Pamula
3. Richard B. Fair
4. Hong Ren

A corrected filing receipt is enclosed.

The application file is being directed to the Office of Patent Publications.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/585,618	10/23/2006	1743	625	060885-00023	15	2

CONFIRMATION NO. 7303

CORRECTED FILING RECEIPT



64199
WARD AND SMITH, P.A.
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

Date Mailed: 12/05/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Vamsee K. Pamula, Durham, NC;
Michael G. Pollack, Durham, NC;
Hong Ren, Chapel Hill, NC;
Richard B. Fair, Durham, NC;

Assignment For Published Patent Application
Duke University

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a DIV of 10/253,342 09/24/2002

Foreign Applications

If Required, Foreign Filing License Granted: 11/20/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/585,618**

Projected Publication Date: 03/01/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Apparatuses for mixing droplets

Preliminary Class

436

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-2206

MAILED

OCT 03 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Masayoshi Noguchi et al.
Application No. 11/585,641
Filed: October 24, 2006
Attorney Docket No. **S1459.70272US00**

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 23, 2011, to revive the above-identified application.

There is no indication that the petition is signed by a registered patent attorney or patent agent of record. However, in accordance with 37 CFR 1.34, the signature of James G. Goodberlet appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, James G. Goodberlet desires to be acknowledged as the attorney of record in this file, the appropriate power of attorney documents must be submitted.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of January 31, 2011. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is May 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4584.

This application is being referred to Technology Center AU 2614 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

JoAnne Burke
Petitions Examiner
Office of Petitions

DATE : August 31, 2010

TO SPE OF : ART UNIT 2878

SUBJECT : Request for Certificate of Correction for Appl. No/11/585767/pat. 7626158

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Magdalene Talley

Certificates of Correction Branch
571-272-0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: _____

George Y. Gipe
SPE

2878
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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P.O. Box 1450
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/585,838	10/25/2006	Yasumasa Sasaki	04329.4019	7500
EXAMINER				
RAMAKRISHNAIAH, MELUR				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
09/22/2010		PAPER		

7590 09/22/2010
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)

The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Betty Powell

Patent Publication Branch
Office of Data Management

RECEIVED
OCT 10 2006
UNITED STATES PATENT AND TRADEMARK OFFICE
ALEXANDRIA, VIRGINIA



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

BAKER BOTTS LLP
C/O INTELLECTUAL PROPERTY DEPARTMENT
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVE, NW
WASHINGTON DC 20004-2400

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Nobuhiko Suzuki :
Application No. 11/585,897 : **DECISION GRANTING PETITION**
Filed: October 25, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. 076376.0548 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, March 18, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 24, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2625 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.

WENDEROTH, LIND & PONACK L.L.P.
1030 15TH STREET, N.W.
SUITE 400 EAST
WASHINGTON, DC 20005-1503

MAILED
JUL 28 2011
OFFICE OF PETITIONS

In re Patent No. 7,887,690 :
Issue Date: February 15, 2011 :
Application No. 11/585,939 : **DECISION ON PETITION**
Filed: October 25, 2006 :
Attorney Docket No. 2006_1856A :

This is a decision on the petition, filed, May 23, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee's name on the front page of the above-identified patent by way of a certificate of correction.

The request is **GRANTED**.

Petitioner states that the correct assignees names are Panasonic Corporation and Riken, petitioner further states that the assignees names were incorrectly indicated on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent.

The request was accompanied by a certificate of correction (and fees) as required by 3.81(b). Further, Office assignment records reflect that Panasonic Corporation and Riken were the assignees of record before issuance of the patent. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it is appropriate for a certificate of correction to be processed.

Inquiries concerning this decision should be directed to Alicia Kelley-Collier at (571) 272-6059. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/8/2011

TO SPE OF : ART UNIT 3693

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/585 966 Patent No.: 7225 382 B2

CofC mailroom date: 11/4/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/James Kramer/

3693

SPE

Art Unit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 07-1021-US-CON7)

In re Application of: Kemp et al.

Serial No.: 11/585,966

Patent No.: 7,725,382

Filed: October 25, 2006

Issued: May 25, 2010

Title: Click Based Trading with Intuitive Grid Display of Market Depth

**REQUEST FOR CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. § 1.323**

Sir:

Claim 23, column 14, line 45: please delete “claim 17” and insert --claim 22--.

The Assignee respectfully submits that the requested corrections do not constitute new matter, nor do they require substantive examination of the file.

OK TO ENTER: /J.K./

believed due with this Request; however, the Patent Office is authorized to charge any fee deficiencies to deposit account 13-2490.

If there are any questions or comments regarding this request, the Examiner is encouraged to contact the undersigned attorney as indicated below.

Respectfully submitted,

Date: November 4, 2011

By: /Jori R. Fuller/
Jori R. Fuller
Reg. No. 57,628

**McDonnell Boehnen
Hulbert & Berghoff LLP**
300 South Wacker Drive
Chicago, IL 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

OK TO ENTER: /J.K./

PTO/SB/44 (09-07)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 7,725,382 B2

APPLICATION NO.: 11/585,966

ISSUE DATE : May 25, 2010

INVENTOR(S) : Gary Allan Kemp, II, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Claim 23, column 14, line 45: please delete "claim 17" and insert --claim 22--.

Claim 32, column 16, line 5: please delete "claim 11" and insert --claim 17--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive
Chicago, IL 60606

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/19/11

TO SPE OF : ART UNIT 1635

SUBJECT : Request for Certificate of Correction for Appl. No.: 11586021 Patent No.: 7749977

CofC mailroom date: 03/09/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Information under "Related U.S. Application Data" is amended to reflect the
priority claim.

**/Heather Calamita
SPE**

**1635
Art Unit**



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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J. BENNETT MULLINAX, LLC
P.O. Box 26029
Greenville, SC 29616-1029

MAILED

NOV 22 2010

In re Application of
Juan Guillermo Kippes
Application No. 11/586,038
Filed: October 24, 2006
Attorney Docket No. MEM-1

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **TO WITHDRAW**
: **FROM RECORD**
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 21, 2010.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Neal P. Pierotti on behalf of all attorneys of record. All attorneys/agents have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor Juan Guillermo Kippes at the address indicated below.

There is an outstanding Office action mailed July 26, 2010 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Terri Johnson at 571-272-2991.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

cc: **Juan Guillermo Kippes**
Diego Palma 555
San Isidro, Buenos Aires
Argentina



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/586,038	10/24/2006	Juan Guillermo Kippes	MEM-1

CONFIRMATION NO. 8472

POWER OF ATTORNEY NOTICE



Date Mailed: 11/17/2010

44728
J. BENNETT MULLINAX, LLC
P. O. BOX 26029
GREENVILLE, SC 29616-1029

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/21/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/tsjohnson/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-18-12

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No.: 11586071 Patent No.: 8093730

CofC mailroom date: 01-30-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

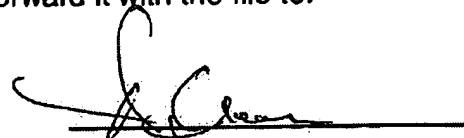
Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____



Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



Art Unit

2813

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 6, 2011

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No. 11/586151 patent No.: 7763606
C of C mailroom date: --03-24--11

Please respond to this request for a certificate of correction within 7 days.

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

571-272- 0423

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

1624
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

MAILED

AUG 11 2011

OFFICE OF PETITIONS

Patent No. 7,629,734	:	
Issue Date: December 8, 2009	:	
Application No. 11/586,181	:	ON PETITION
Filed: October 25, 2006	:	
Attorney Docket No. SDIYOU.041AUS	:	

This is a decision on the petition filed July 26, 2011, a request under 37 CFR 3.81(b) to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

The patent file is being forwarded to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the Kimberly Inabinet at (571) 272-4618. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**AT & T LEGAL DEPARTMENT – TOLER
ATTN: PATENT DOCKETING
ROOM 2A-207
ONE AT & T WAY
BEDMINSTER NJ 07921**

MAILED

JAN 20 2012

OFFICE OF PETITIONS

In re Application of	:	
ANDRONIKOV, et al	:	
Application No. 11/586,204	:	DECISION ON PETITION
Filed: October 24, 2006	:	
Docket No. 2005-IN001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 25, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 26, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

37 CFR 1.137(b)(3) requires a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Since the statement appearing in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement is being construed as the required statement. Petitioner must notify the Office if this is **not** a correct reading of the statement appearing in the petition.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 2614 for appropriate action by the Examiner in the normal course of business.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: JEFFREY G. TOLER,
TOLER LAW GROUP
INTELLECTUAL PROPERTIES
8500 BLUFFSTONE COVE,
SUITE A201
AUSTIN, TX 78759



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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MOTOROLA MOBILITY, INC
600 NORTH US HIGHWAY 45
W2-55BB
LIBERTYVILLE IL 60048-5343

MAILED
MAR 22 2011
OFFICE OF PETITIONS

In re Application of :
Alberth, et al. : **DECISION ON PETITION**
Application No. 11/586,369 :
Filed: October 25, 2006 :
Atty. Dkt. No.: CS28458RL :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 11, 2011.

The petition is **GRANTED**.

The application became abandoned January 23, 2010 for failure to timely submit a proper reply to the Notice of Noncompliant Amendment (Notice) mailed December 22, 2009. The Notice set a one month shortened statutory period of time for reply. Notice of Abandonment was mailed July 22, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 3663 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALESIA M. BROWN/

Alesia M. Brown
Attorney Advisor
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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9/13/2010
Patent No. : 7617657
Ser. No. : 11/586374
Inventor(s) : Davis Liu
Issued : 11/17/2009
Title : SCALLOP BAG
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (703) 872-9306
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323; to correct assignment data, , no additional fee is required.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

GARY M. ANDERSON, ESQ.
FULWIDER PATTON LLP
6060 CENTER DRIVE, 10TH FLOOR
LOS ANGELES, CA 90045

HR

11/586 374

FULWIDER • PATTON LLP

HOWARD HUGHES CENTER
6060 CENTER DRIVE, TENTH FLOOR
LOS ANGELES, CALIFORNIA 90045
(310) 824-5555 - (310) 824-9696 FAX

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SEP 22 2010

FACSIMILE TRANSMISSION

Date: September 22, 2010

TelephoneFacsimile

To: OFFICE OF PETITIONS

571-273-8300

CONFIDENTIALITY NOTICE

THE DOCUMENTS ACCOMPANYING THIS TELECOPY TRANSMISSION CONTAIN CONFIDENTIAL INFORMATION BELONGING TO THE SENDER WHICH IS LEGALLY PRIVILEGED. THE INFORMATION IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISCLOSURE, COPYING, DISTRIBUTION OR THE TAKING OF ANY ACTION IN RELIANCE ON THE CONTENTS OF THIS TELECOPIED INFORMATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE TO ARRANGE FOR RETURN OF ORIGINAL DOCUMENTS TO US.

From: Carrie Rose

Re: Certificate of Corrections for
U.S. Patent No. 7,617,657

Client/Matter: ELKAY-74803

Number of pages (Incl. this page): 6

If You Do Not Receive All Pages, Please Call Carrie Rose at (310) 824-5555

☐ Original to follow ☒ Original will NOT follow**COMMENTS/MESSAGE:**

Please see the attached Request for Certificate of Correction responding to the corrections by Mr. Henry Randall of the Decisions and Certificates of Correction Branch on September 13, 2010 to overcome the denial of Applicant's earlier request.

Enclosures: Request for Certificate of Correction
USPTO Notice of Recordation of Assignment Document
Form PTO/SB/44

RECEIVED
CENTRAL FAX CENTER
SEP 22 2010

VIA FACSIMILE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No. : 7,617,657 B2 Confirmation No. : 9292
Inventor : Davis Liu
Issued : 11/17/09
Art Unit : 3721
Examiner : Hemant M. Desai
Title : METHOD FOR PACKAGING SCALLOPS IN A TUBULAR BAG

Docket No.: : ELKAY-74803
Customer No. : 24201

REQUEST FOR CERTIFICATE OF CORRECTION

ATTN: OFFICE OF PETITIONS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above-identified patent application file has been found to have the error set forth in the enclosed Certificate of Correction. It is noted that the error that appears in the above-identified patent is of a clerical, typographical or minor nature or character, as more fully described below.

ERROR

Title page, (73) Assignee, delete "Wlkay"
and insert instead --Elkay--.

VERIFICATION

Applicant Error. Typographical error on the
Issue Fee Transmittal Form PTOL-85B.

09/24/2010 HMARZ11 00000001 062425 11586374
01 FC:1464 130.00 DA

RECEIVED
CENTRAL FAX CENTER
SEP 22 2010

For verification purposes, attached is a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number and date of the assignment recordation to Elkay Plastics Co., Inc.

Applicant's error occurred in good faith. Correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. It is requested that a Certificate of Correction be issued and returned to us. Please charge the \$130.00 fee required under 37 CFR 1.17(h) to Deposit Account No. 062425 and any additional fees that may be required.

Applicant requests that the file be forwarded to Certificates of Correction Branch for issuance of a Certificate of Correction. Attached hereto is Form PTO/SB/44 which is suitable for printing.

Date: September 1, 2010

Respectfully submitted,

FULWIDER PATTON LLP

By: /Gary M. Anderson/
Gary M. Anderson, Registration No. 30,729

GMA:he:cr

FULWIDER PATTON LLP
Howard Hughes Center
6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Telephone: (310) 824-5555
Facsimile: (310) 824-9696
Customer No. 24201

419416.1



ELKAY 74803
RECEIVED

NOV - 6 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

FULWIDER PATTON LLP
LONG BEACH, CA 90802

NOVEMBER 01, 2006

PTAS



103329586A

MICHAEL J. MOFFATT, ESQ.
FULWIDER PATTON LLP
200 OCEANGATE, SUITE 1550
LONG BEACH, CA 90802

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 571-272-3350. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES BRANCH, P.O. BOX 1450, ALEXANDRIA, VA 22313.

RECORDATION DATE: 10/25/2006

REEL/FRAME: 018462/0519
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

LIU, DAVIS

DOC DATE: 10/15/2006

ASSIGNEE:

ELKAY PLASTICS CO., INC.
6000 SHEILA STREET
COMMERCE, CALIFORNIA 90040

SERIAL NUMBER: 11586374
PATENT NUMBER:
TITLE:

FILING DATE:
ISSUE DATE:

ASSIGNMENT SERVICES BRANCH
PUBLIC RECORDS DIVISION

SEP 22 2010

Form PTO-1595 (Rev. 08/05)
OMB No. 0651-0027 (exp. 6/30/2008)

10-31-2006

U.S. DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

103329586

To the Director of the U.S. Patent and Trademark Office: Please record the attached documents or the new address(es) below.

1. Name of conveying party(ies)

Davis Liu

2. Name and address of receiving party(ies)

Name: Elkay Plastics Co., Inc.

Internal Address: _____

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

3. Nature of conveyance/Execution Date(s):

Execution Date(s) October 15, 2006

- ☒ Assignment ☐ Merger
☐ Security Agreement ☐ Change of Name
☐ Joint Research Agreement
☐ Government Interest Assignment
☐ Executive Order 9424, Confirmatory License
☐ Other

Street Address: 6000 Shella StreetCity: CommerceState: CaliforniaCountry: US Zip: 90040Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application or patent number(s):

A. Patent Application No.(s)

☒ This document is being filed together with a new application.

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address to whom correspondence concerning document should be mailed:

Name: Michael J. Moffatt, Esq.Internal Address: Fulwider Patton LLPStreet Address: 200 Oceangate, Suite 1550City: Long BeachState: California Zip: 90802Phone Number: (562) 432-0453Fax Number: (562) 435-6014Email Address: mmoffatt@fulpat.com

6. Total number of applications and patents involved:

7. Total fee (37 CFR 1.21(h) & 3.41) \$ 40.00

- ☐ Authorized to be charged by credit card
☐ Authorized to be charged to deposit account
☒ Enclosed
☐ None required (government interest not affecting title)

8. Payment Information

a. Credit Card Last 4 Numbers _____

Expiration Date _____

b. Deposit Account Number _____

Authorized User Name _____

9. Signature: Michael J. Moffatt

Signature

October 25, 2006

Date

Michael J. Moffatt, Reg. No. 39,304

Name of Person Signing

Total number of pages including cover

3

Documents to be recorded (including cover sheet) should be faxed to (571) 273-0140, or mailed to:
Mail Stop Assignment Recordation Services, Director of the USPTO, P.O. Box 1450, Alexandria, VA 22313-1450

PTO/SB/44 (09-07)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(also Form PTO 1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,617,657 B2

Page 1 of 1

APPLICATION NO. : 11/586,374

ISSUE DATE : November 17, 2009

INVENTOR(S) : Davis Liu

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page, (73) Assignee, delete "Wikay" and insert instead --Elkay--.

415965.1

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Gary M. Anderson, Esq.
Fulwider Patton LLP
6060 Center Drive, 10th Floor
Los Angeles, CA 90045

This collection of information is required by 37 CFR 1.322, 1.323 and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, PO Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/11/09 Paper No.: _____
 TO SPE OF : ART UNIT 2611 *Deppe, Betsy*
 SUBJECT : Request for Certificate of Correction for Appl. No.: 74586415 Patent No.: 7453964

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
 South Tower - 9A22
 Palm Location 7580**

[Signature]

 Certificates of Correction Branch
 703-308-9390 ext. _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

[Signature]

SPE

[Signature]

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES CA 90017

MAILED
AUG 23 2011
OFFICE OF PETITIONS

In re Application of :
Moon et al. :
Application No. 11/586,463 : DECISION ON PETITION
Filed: October 25, 2006 :
Attorney Docket No. 2116- :
3040D1C1C2 :

This is a decision on the PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED CLAIM UNDER 35 U.S.C. §120 FOR THE BENEFIT OF A PRIOR-FILED APPLICATION filed June 4, 2007. The petition includes an amendment, correcting the domestic priority claim under § 120 (from erroneously stated application No. 09/061,649) to application No. 09/061,647, which claims foreign priority under § 119 to Korean Patent Application No. 97-62315 filed November 24, 1997. This petition was recently forwarded to the undersigned for consideration.

The petition under 1.78(a)(3) is **GRANTED**.

Preliminarily, it is noted that, notwithstanding the error in providing the incorrect intermediate application, the Office picked up on filing the claim for priority to Korean Patent Application No. 97-62315 filed November 24, 2007. This claim is included in the declaration submitted on filing of the application (See filing receipt mailed November 13, 2006).

On Petition under 37 CFR 1.78(a)(3)

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and must be filed during the pendency of

the nonprovisional application. In addition, the petition under 37 CFR § 1.78(a)(3), must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii), and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The instant application was filed on October 25, 2006, which is after November 29, 2000.

A review of the application as filed reveals that the claim for priority set forth on petition was not submitted on filing in the first sentence of the specification or in an application data sheet. The four and sixteen-month periods specified in 37 CFR §§ 1.78(a)(2)(ii) and 37 CFR 1.78(a)(5)(ii) have expired. Thus, the instant petition is appropriate. In addition, the petition includes payment of the surcharge and the required statement of unintentional delay.

On petition, a reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification, as required by 37 CFR 1.78(a)(2)(iii) and (a)(5)(iii). With respect to 35 U.S.C. 120 and 37 CFR 1.78(a)(3), the amendment includes a reference to prior-filed application No. 09/061,647, with the appropriate relationship stated as a divisional. The amendment deletes reference to incorrectly identified application No. 09/061,649.

A proper benefit claim to a chain of prior applications must include proper references to each prior application in order to establish copendency throughout the entire chain of prior applications. Appropriate references must have been made in each intermediate application in the chain of prior applications. In other words, it is not sufficient to simply include specific references as to all prior applications. All references must be proper. A benefit claim to a chain of prior applications will only be effective if each prior application actually includes a proper benefit claim. A review of the prior applications supports a conclusion that they each contained the appropriate references back to the prior non-provisional and foreign applications.

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications

under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

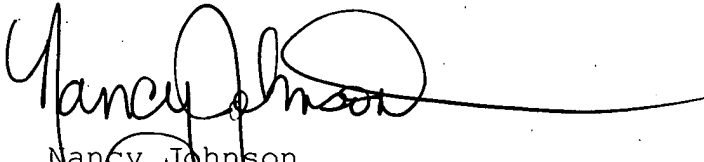
CONCLUSION

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §§120 and 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claims and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3219. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being referred to Technology Center Art Unit 2614 for consideration by the examiner of the claim for benefit of priority under 35 U.S.C. § 120 of the prior-filed application as set forth in the amendment filed June 4, 2007.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/586,463	10/25/2006	2614	875	2116-3040DIC1C2	35	2

CONFIRMATION NO. 1273

CORRECTED FILING RECEIPT



OC000000049437762

35884

LEE, HONG, DEGERMAN, KANG & WAIMEY
660 S. FIGUEROA STREET
Suite 2300
LOS ANGELES, CA 90017

Date Mailed: 08/22/2011

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Kwang-su Moon, Seoul, KOREA, REPUBLIC OF;
Jung-ha Hwang, Jeongja-dong, KOREA, REPUBLIC OF;

Assignment For Published Patent Application

Texas MP3 Technologies, Ltd., Marshall, TX

Power of Attorney: The patent practitioners associated with Customer Number 035884

Domestic Priority data as claimed by applicant

This application is a CON of 11/411,546 04/26/2006
which is a CON of 10/059,777 01/29/2002 PAT 7,065,417
which is a DIV of 09/061,647 04/17/1998 PAT 6,629,000

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

REPUBLIC OF KOREA 97-62315 11/24/1997

If Required, Foreign Filing License Granted: 11/09/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/586,463**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Portable sound reproducing system and method

Preliminary Class

700

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/586,707	10/26/2006	Jin Zhang	001107.00627	2085
11332 7590 02/13/2012 Banner & Witcoff, Ltd. Attorneys for client 001107 1100 13th Street N.W. Suite 1200 Washington, DC 20005-4051			EXAMINER GEBREYESUS, KAGNEW H	
			ART UNIT 1656	PAPER NUMBER
			MAIL DATE 02/13/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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February 10, 2012

Banner & Witcoff, Ltd.
Attorneys for client 001107
1100 13th Street N.W.
Suite 1200
Washington DC 20005-4051

In re Application of :
Jin Zhang et al. : **DECISION ON PETITION**
Application No. 11586707 :
Filed: 10/26/2006 :
Attorney Docket No. **001107.00627** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 26, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/586,707	10/26/2006	Jin Zhang	001107.00627	2085
11332 7590 03/09/2012 Banner & Witcoff, Ltd. Attorneys for client 001107 1100 13th Street N.W. Suite 1200 Washington, DC 20005-4051			EXAMINER GEBREYESUS, KAGNEW H	
			ART UNIT 1656	PAPER NUMBER
			MAIL DATE 03/09/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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March 8, 2012

Banner & Witcoff, Ltd.
Attorneys for client 001107
1100 13th Street N.W.
Suite 1200
Washington DC 20005-4051

In re Application of :
Jin Zhang et al. : **DECISION ON PETITION**
Application No. 11586707 :
Filed: 10/26/2006 :
Attorney Docket No. **001107.00627** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 26, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/586,707	10/26/2006	Jin Zhang	001107.00627	2085
11332 7590 04/05/2012 Banner & Witcoff, Ltd. Attorneys for client 001107 1100 13th Street N.W. Suite 1200 Washington, DC 20005-4051			EXAMINER GEBREYESUS, KAGNEW H	
			ART UNIT 1656	PAPER NUMBER
			MAIL DATE 04/05/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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April 4, 2012

Banner & Witcoff, Ltd.
Attorneys for client 001107
1100 13th Street N.W.
Suite 1200
Washington DC 20005-4051

In re Application of :
Jin Zhang et al. : **DECISION ON PETITION**
Application No. 11586707 :
Filed: 10/26/2006 :
Attorney Docket No. **001107.00627** :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) February 16, 2012.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following:

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFW filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

The Amendment filed February 16, 2012 could not be entered because the insertion point referred to does not exist on page 3 of the Specification, but rather on page 2.

A renewed petition filed under 37 C.F.R. 1.84 (a) (2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura L. Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/586,708	10/26/2006	Valentina Pulnikova	1961.1001	1381
68380 7590 06/07/2011 DR. PULNIKOVA VALENTINA WEIHERSTRASSE 9 VILLINGEN-SCHWENNINGEN, 78050 GERMANY			EXAMINER SHAH, AMEE A	
			ART UNIT 3625	PAPER NUMBER
			MAIL DATE 06/07/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN - 7 2011

Dr. Pulnikova Valentina
Weiherstrasse 9
Villingen-Schwenningen, 78050
Germany

In re Application of
Pulnikova
Application No. 11/586,708
Filed: October 26, 2006
For: SYSTEM AND METHOD OF GLOBAL
ELECTRONIC TRADE IN THE INTERNET


DECISION ON PETITION
UNDER 37 CFR §1.181

This is a decision in response to the submission denominated "The appeal against actions of personnel of USPTO" received on May 15, 2011. The paper is being treated as a petition under 37 CFR 1.181 to the Director.

A review of the prosecution history shows that the application was expressly abandoned under 37 CFR 1.138 on May 14, 2011. Accordingly, the petition is dismissed as moot.

SUMMARY: DISMISSED as MOOT.

Questions concerning this decision should be referred to Teri Luu, Quality Assurance Specialist, at (571) 272-7045.


Wynn Coggins, Director
Patent Technology Center 3600
Telephone No.: (571)-272-5350

WC/tl: 05/18/11

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

AUG 30 2010

OFFICE OF PETITIONS

In re Application of	:	
Abello, et al.	:	
Application No. 11/586,727	:	ON REQUEST FOR
Filed: October 26, 2006	:	RECONSIDERATION OF
Attorney Docket Number: 061629-7701	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed July 15, 2010. Applicants believe that they should be accorded an additional PTA of 322 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment solely as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file a request for reconsideration of patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

In view thereof, the correct determination of PTA prior to issuance is **seven hundred fifty-five (755) days** (755 days of PTO delay, reduced by 0 days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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Barry Wood
15 Southshore point
Newnan GA 30263

In re Application of

Wood

Application No. 11/586,788

Filed: October 26, 2006

Attorney Docket No.

MAILED
FEB 21 2012
OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR §1.137(b), filed January 14, 2012, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to timely remit the issue fee of \$870.00 as required by the Notice of Allowance and Issue Fee Due (the "Notice") mailed August 18, 2011. The Notice set forth a three (3) month statutory period for reply. A proper response was not received within the allowable period. Accordingly, this application became abandoned on November 18, 2011. A Notice of Abandonment was mailed on December 16, 2011.

The issue fee was received on January 14, 2012.

Form PTOL-85B, filed January 14, 2012, is noted and made of record.

The application is being directed to the Office of Data Management for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100831

DATE : August 31, 2010

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction on Patent No.: 7,683,361

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

/ROBERT KIM/
Supervisory Patent Examiner.Art Unit 2881



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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of	:	
Edamatsu et al.	:	
Application No. 11/587003	:	DECISION
Filing or 371(c) Date: 10/20/2006	:	ON PETITION
Patent No.: 7683361	:	
Issue Date: 03/23/2010	:	
Attorney Docket Number: 1035-675	:	

This is a decision on the "Petition Under 37 C.F.R. § 1.183 for Certificate of Correction of Applicant's Mistake Under 37 C.F.R. § 1.323," filed April 14, 2010, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The petition is properly treated as a petition under 37 CFR 3.81(b)¹.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect the additional name of TOHOKU UNIVERSITY, MIYAGA, JAPAN, as an assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

The processing fee, \$130.00, has been charged to Petitioner's deposit account.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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Paper No.

Lempia Summerfield Katz LLC
One North LaSalle Street
Suite 3150
CHICAGO IL 60602

MAILED
APR 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,869,575 : DECISION ON REQUEST
Brandstatter et al. : FOR RECONSIDERATION OF
Issue Date: January 11, 2011 : PATENT TERM ADJUSTMENT
Application No. 11/587,075 : and
Filed: October 20, 2006 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 11371/150 : CERTIFICATE OF CORRECTION
(2004P04844WOUS) :

This is a decision on the petition filed on March 11, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred sixty-nine (269) days.

The petition to correct the patent term adjustment indicated on the above-identified patent is **DISMISSED**.

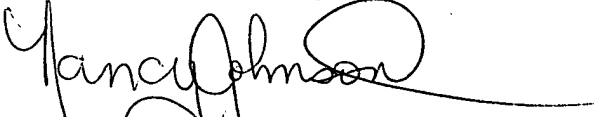
The "B delay" was properly calculated based on this international application being filed under 35 U.S.C. 371 and an appeal being filed in this application. In an international application, the over 3 year pendency period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). In this instance, the national stage commencement date is October 20, 2006. The priority date of this application is April 28, 2004. As early commencement was requested and the requirements for early commencement were met on October 20, 2006, the national stage commenced in this application prior to the end of the thirty-month period. Thus, the over 3 year period is 448 days, counting the number of days beginning on October 21, 2009 and ending on January 11, 2011, the date of issuance of the patent. See 1.703(b).

However, the calculation of "B delay" must take into account that a notice of appeal was filed on February 27, 2009. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See 35 U.S.C. 154(b)(1)(B)(ii). In this instance, the period is 445 days, beginning on February 27, 2009 and ending on May 17, 2010, the date of mailing of a notice of allowance. Thus, 3 days (448 - 445 days) of "B delay" was properly accorded at issuance.

In view thereof, the patent properly issued with a patent term adjustment of 0 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of

GRESSEL, Carmi D. et al.

Application No. 11/587,076

Filing Date: August 15, 2007

Attorney Docket No. **F398.312-0002**

DECISION ON PETITION
TO MAKE SPECIAL UNDER
37 CFR 1.102(c)(1)

This is a decision on the petition under 37 CFR 1.102(c)(1), filed January 21, 2011, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section IV: Applicant's Age must be accompanied by evidence showing that at least one of the applicants is 65 years of age, or more, such as a birth certificate or a statement by applicant. No fee is required

The instant petition includes a statement by Carmi Gressel, attesting to his age. Accordingly, the above-identified application will be accorded "special" status.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

All other inquiries concerning either the examination or status of the application should be directed to the Office of Patent Application Processing.

This application is being referred to the Office of Patent Application Processing. This application will be accorded "special" status when pre-examination processing is done.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/587,134	06/22/2007	Shigeo Ohyama	4850-0109PUS1	3117
2292 7590 01/13/2011 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER MEHEDI, MORSHED D	
			ART UNIT 2438	PAPER NUMBER
			NOTIFICATION DATE 01/13/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com



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Michael Cammarata
Birch, Stewart, Kolasch & Birch LLP
PO Box 747
Falls Church VA 22040-0747

In re Application of:)
Ohyama)
Application No. 11/587134) **DECISION ON PETITION**
Filed: May 9, 2005) **UNDER 37 CFR § 1.181**
For: Semiconductor Device having Power)
Consumption Analysis Preventing Function)

This is a decision on the petition filed on November 17, 2010 under 37 C.F.R. § 1.181 to request for withdrawal of the Finality of Office Action mailed June 28, 2010 and that the next action complies with MPEP 608.01(n).

The petition is **GRANTED**.

BACKGROUND

Claims 1 and 2 are independent. Claim 1 was rejected under 103 by Snell in view of Matsui. Claim 2 was rejected under 103 by Snell in view of Busch. Claims 5-7 were rejected over Snell in view of Busch in the Final office action of June 28, 2010. Claims 5-7 depend on claims 1-3. The December 30, 2010 interview summary indicates that the final action is withdrawn and that a QAS will decide the petition.

DECISION

A review of the file indicates that claims 5/1, 6/1 and 7/6/1 have not been considered with respect to prior art. Therefore, the Final Office Action issued was premature.

For the above stated reasons, the petition is **GRANTED**. The finality of the Office action mailed June 28, 2010 is hereby removed. The November 29, 2010 amendment is hereby entered. The application is being forwarded to the examiner for consideration of the November amendment.

As the last office action did not reject claims 5/1, 6/1, 7/6/1 the next office action should not be made final if any of these claims are rejected.

Any inquiry regarding this decision should be directed to Tod Swann, Quality Assurance Specialist, at (571) 272-3612. A second point of Contact is Kim Huynh at (571)-272-4147.

Tod R Swann, WQAS 2430
Technology Center 2400

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number: 0512-1361

Patent Number: 7,667,859

Filing Date
(or 371(b) or (f) Date): 20-Oct-2006

Issue Date: 23-Feb-2010

First Named
Inventor: FRANCESCHINI, Nicolas

Title: METHOD AND DEVICE FOR HYPERACUTE DETECTION OF AN ESSENTIALLY RECTILINEAR CONTRAST EDGE AND SYSTEM FOR FINE FOLLOWING AND FIXING OF SAID CONTRAST EDGE

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature /Benoit Castel/

Date August 18, 2010

Name
(Print/Typed) Benoit Castel

Registration Number 35041

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of 1 forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



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YOUNG & THOMPSON
209 Madison Street
Suite 500
Alexandria, VA 22314

Mail Date: 08/25/2010

Applicant	: Nicolas Franceschini	: DECISION ON REQUEST FOR
Patent Number	: 7667859	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/587,163	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/20/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **421** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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PATTERSON THUENTE CHRISTENSEN PEDERSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Patent No. 7,766,481
Issue Date: August 3, 2010
Application No. 11/587,201
Filed: October 24, 2006
Attorney Docket No. 3795.07US01

DECISION ON PETITION

This is a decision on the Request To Correct Assignee Under 37 CFR 3.81(b), filed July 15, 2010, which is being treated as a Petition Under 37 CFR §3.81(b) to identify the correct assignee's name to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to identify the correct assignee's name on the previously submitted PTOL-85B and that such error was inadvertent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter. See also MPEP 1481.01.

A petition under 37 CFR §3.81(b) requires a request for a certificate of correction under 37 CFR 1.323 along with the fee of \$100 set forth in 37 CFR 1.20(a). This petition lacks these items. For these reasons, the petition is dismissed.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto CA 94303

MAILED
FEB 07 2012
OFFICE OF PETITIONS

In re Patent No. 7,628,985	:	
Issued: 12/08/2009	:	
Application No. 11/587,217	:	NOTICE
Filed: 09/04/2007	:	
Attorney Docket No. STAN-361US (S04-143)	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed January 19, 2012.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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Browdy and Neimark, PLLC
1625 K Street, N.W.
Suite 1100
Washington, DC 20006

MAILED

JUN 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,708,879
Issue Date: May 4, 2010
Application No. 11/587,243
Filed: October 23, 2006
Patentee(s): Giorgio Girondi

NOTICE

This is a Notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on May 10, 2011.

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. 1098 Off. Gaz. Pat. Office 502 (January 3, 1989). Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**. Therefore, status as a small entity has been removed and any future fee(s) submitted must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions



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CHRISTIE, PARKER & HALE, LLP
PO BOX 7068
PASADENA CA 91109-7068

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Patent No. 7,519,995
Issued: April 14, 2009
Application No. 11/587,292
Filed: August 23, 2007
Attorney Docket No. 54634/R268

:
:
:
:
:

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed October 4, 2010, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **DISMISSED AS MOOT**.

On April 14, 2011, the Office received a Withdrawal of Request for Issuance of Duplicate Letters Patent Document under 37 CFR 1.182 as the original Letters Patent had been located. As such, the October 2010 petition is rendered moot.

The requisite \$400.00 petition fee was never collected; as such, no refund is necessary. Should petitioner discover that a fee was collected, please notify the Office for a refund.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions



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Paper No.

ELMORE PATENT LAW GROUP, PC
515 Groton Road
Unit 1R
Westford MA 01886

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Patent No. 7,662,853 : DECISION ON REQUEST
Sang-Hee Kim : FOR
Issue Date: February 16, 2010: RECONSIDERATION OF
Application No. 11/587,377 : PATENT TERM ADJUSTMENT
Filed: July 31, 2007 : and
Atty Docket No. 4050.3001 US : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on February 16, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one hundred six (106) days.

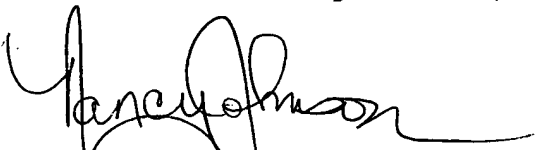
The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one hundred six (106) days is **GRANTED**.

It is noted that the patent term adjustment was calculated based on the commencement date of October 24, 2006. However, the period was calculated as of the issue notification date of January 27, 2010 and not the issue date of February 16, 2010. The B delay has been corrected from 95 days to 115 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one hundred six (106)** days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,662,853 B2

DATED : February 16, 2010

DRAFT

INVENTOR(S) : Kim

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 86 days

Delete the phrase "by 86 days" and insert – by 106 days--



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/587,404	10/24/2006	Seong Eon Ryu	WON0006US.NP	1729
7590 05/26/2011				
Kathleen A Tyrrell Licata & Tyrrell 66 E Main Street Marlton, NJ 08053				
EXAMINER				
STEADMAN, DAVID J				
ART UNIT		PAPER NUMBER		
1656				
MAIL DATE		DELIVERY MODE		
05/26/2011		PAPER		

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

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May 26, 2011

Kathleen A Tyrrell
Licata & Tyrrell
66 E Main Street
Marlton NJ 08053

In re Application of	:	
Ryu, Seong Eon, et al	:	DECISION ON PETITION
Application No. 11/587,404	:	
Filed: October 24, 2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. WON0006US.NP	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 24, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following:

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



3 AUG 2010
United States Patent and Trademark Office

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Hewlett-Packard
Intellectual Property Administration
P.O.Box 272400
Fort Collins CO 80527-2400

In re Application of :
Mackenzie et al. :
Application No.: 11/587,406 :
PCT No.: PCT/EP2005/051779 :
Int. Filing Date: 21 April 2005 : DECISION
Priority Date: 23 April 2004 :
Attorney Docket No.: 200310848-2 :
For: Interactive Document Reading :

This is in response to the petition under 37 CFR 1.182 the constructive renewed petition under 37 CFR 1.137(b) filed on 02 June 2010.

DISCUSSION

Petition Under 37 CFR 1.182

In a Decision mailed on 06 May 2010, petitioner was advised that

The petition under 37 CFR 1.137(b) filed on 28 January 2009 and the Transmittal Letter filed on 23 October 2006 are directed to the national stage of "PCT/US2005/051779," but the application bibliographic information resembles that for PCT/EP2005/051779. In addition, petitioner also refers to 11/587,403. Thus, it is not sufficiently clear which application the petition is directed toward, or which application is intended to enter the national stage in the United States.

In response, applicants have filed the instant petition, which states (in part) that "the papers filed on October 28, 2006 and January 28, 2009 are indeed for PCT number PCT/EP2005/051779 and application serial number are 11/587,406." Petitioner confirms that "the petition under 37 CFR 1.137(b) filed on 28 January 2009 and the Transmittal Letter filed on 23 October 2006 incorrectly includes the incorrect PCT number and application serial number." In view of the totality of the circumstances present in this application, it would be appropriate to accept petitioner's statements as to the identity of the international application. Accordingly, the petition under 37 CFR 1.182 is GRANTED.

Petition Under 37 CFR 1.137(b)

The petition filed on 28 January 2009 indicates that the application became abandoned "for the unintentional failure to receive a copy of the International Application as was believed to have been communicated by the International Bureau." Review of the record reveals that the International Bureau transmitted a copy of international application PCT/EP2005/051779 to the USPTO on 03 November 2005, and that the basic national fee was paid on 23 October 2006, prior to the elapse of the 30 month time period. Accordingly, the petition under 37 CFR 1.137(b) is MOOT.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**, without prejudice.

No reply is required. Any request for reconsideration must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

This application is being returned to the Office of Patent Application Processing for (1) the correction of the electronic records of the USPTO (PALM) to show the correct national stage parentage (i.e., that this application is the national stage of PCT/EP2005/051779), and for (2) the preparation and mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) requiring the submission of an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h).

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/30/11

TO SPE OF : ART UNIT: 1722 Attn: KELLY CYNTHIA H (SPE)

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/587433_Patent No.: 7517471

C of C Mailroom date: 03/23/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

**Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

**/Cynthia Kelly/
SPE**

1722

Art Unit



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

SEP 27 2010

OFFICE OF PETITIONS

**Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312**

In re Application of :
Hui Li, et al. :
Application No. 11/587,473 : **DECISION ON PETITION**
Filed: October 25, 2006 :
Attorney Docket No. PD040065 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 27, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, June 11, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 12, 2009. The Notice of Abandonment was mailed December 18, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2468 for appropriate action by the Examiner in the normal course of business on the reply received.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 13, 2011

James R. Yee
Howard & Howard Attorneys PLLC
450 West Fourth Street
Royal Oak, MI 48067-2557

Patent No. : 7,985,136 B2
Appl. No. : 11/587,499
Inventor(s) : Takeshi Okubo, et al.
Issued : July 26, 2011
Title : IMAGE PRODUCING DEVICE, SPEED EXPRESSING METHOD AND PROGRAM
Docket No. : 060233.00076

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (see *Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

/Virginia Tolbert/
Virginia Tolbert
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(571) 272-0460

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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MAILED

APR 02 2012

OFFICE OF PETITIONS

HOWARD & HOWARD ATTORNEYS PLLC
450 West Fourth Street
Royal Oak MI 48067

In re Patent No. 7,985,136 :
Issue Date: July 26, 2011 :
Application No. 11/587,499 : ON PETITION
Filed: October 24, 2006 :
Attorney Docket No. 060233 :
00076 :

This is in response to the PETITION TO CORRECT THE ASSIGNEE PURSUANT TO 37 CFR 3.81(b) filed March 12, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

By decision mailed September 13, 2011, a prior REQUEST FOR A CERTIFICATE OF CORRECTION filed September 1, 2011 was denied. The request included a Request for Certification of Correction Under 37 CFR 1.323 and the fee set forth in 37 CFR 1.20(a) for issuance of a certificate of correction and an authorization to charge any other required fees. However, no petition directed to the Office of Petitions accompanied either request.

On January 26, 2010, petitioner submitted their request directed to the Office of Petitions for decision. A review of the record reveals that "National Science Foundation," was named as the assignee on the form PTOL-85B. Petitioner requests that the above-identified patent be corrected to name the assignee as "Arch Development Corporation" and requests that a Certificate of

¹ See MPEP 1309, subsection II, Official Gazette at 1283 OG 148 (June 22, 2004) or Final Register at 69 FR 29865 (May 26, 2004).

Correction be issued identifying this assignee. On January 26, 2010, Petitioner again submitted a "Certificate of Correction" for this purpose.

Both petitioner's evidence and Office records show that the assignment of the parent case (U.S. Patent Application No. 09/495,064, Patent No. 6,624,940) (and thereby to any improvements and applications for patents based thereon) to "Arch Development Corporation" was recording in the Office on March 24, 2002 before issuance of the patent (Reel/Frame 012922/0484) on June 5, 2007. This was also prior to payment of the Issue Fee on April 27, 2007. This application is a division of application No. 09/495,064.

Receipt of the required \$100 certificate of correction fee and the \$130 processing fee received November 4, 2008. These fees were again charged to the Deposit Account on filing of this request. The overpayment of \$230 is being refunded to Deposit Account No. 50-0951 as authorized.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3219. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch has been notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/Nancy Johnson/

Nancy Johnson
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

MAILED

AUG 06 2010

In re Application of	:	OFFICE OF PETITIONS
Adem D. Dukovic, et. al.	:	
Application No. 11/587,620	:	DECISION ON PETITION
Filed: October 8, 2007	:	TO WITHDRAW FROM
Attorney Docket No. P191056.US.02	:	RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR §§ 1.36(b), or 10.40 filed June 18, 2010.

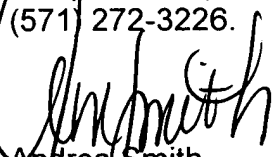
The request is **APPROVED**.

The request was signed by Brad J. Hattenbach on behalf of himself and all attorneys/agents associated with Customer Number 20686. Therefore, Brad J. Hattenbach on behalf of himself and all attorneys/agents associated with Customer Number 20686 have been withdrawn.

Applicant is reminded that there are no attorneys/agents of record at this time.

All future communications from the Office will be directed to the intervening assignee of entire interest at the address listed below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Wind Energy Group, Inc.
23016 Lake Forest Drive #A372
Laguna Hills, CA 92618-1324



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/587,620	10/08/2007	Adem D. Dukovic	P191056.US.02

CONFIRMATION NO. 6643

POWER OF ATTORNEY NOTICE



20686
DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
370 SEVENTEENTH STREET
SUITE 4700
DENVER, CO 80202-5647

Date Mailed: 08/06/2010

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/18/2010.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/amsmith/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Paper No.

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

MAILED

OCT 14 2010

In re Patent No. 7,776,564 : **OFFICE OF PETITIONS**
Chu et al. : DECISION ON REQUEST
Issue Date: 08/17/2010 : FOR
Application No. 11/587,651 : RECONSIDERATION OF
Filed: 06/30/2008 : PATENT TERM ADJUSTMENT
Atty Docket No. : and
08940.0041-00000 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the PETITION TO THE DIRECTOR UNDER 37 C.F.R. § 1.181 REQUESTING REVIEW OF THE DISMISSAL OF PATENTEE'S REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT-PRE GRANT, filed on July 26, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by twenty-nine (29) days. For the reasons stated below, the petition is treated as requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred sixty-one (261) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred sixty-one (261) days is **GRANTED to the extent indicated herein.**

On January 11, 2010, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date was 0 days (59 days of PTO delay and 137 days of applicant delay).

On April 1, 2010, an application for patent term adjustment was timely filed.¹

On July 9, 2010, the Office mailed a Decision on Request for Recalculation of Patent Term Adjustment in View of *Wyeth*, stating that the request was dismissed as premature.

On July 26, 2010, the subject request for reconsideration was filed.

On August 17, 2010, the application issued as U.S. Patent No. 7,776,564, with a revised patent term adjustment of 154 days (291 days of Office delay and 137 days of applicant delay).

Then applicants assert that the petition filed on April 1, 2010, asserted that a reduction for applicant delay under 37 CFR 1.704(c)(8) was incorrect. The subject request for reconsideration again asserts that the reduction for applicant delay of 107 days should be removed. A review of the record reveals that the petition filed on April 1, 2010, requested removal of the 107 day period of delay, but that this period of delay was not addressed in the decision mailed on July 9, 2010. Accordingly, the issue is timely raised in the subject renewed petition.

Specifically, patentees argue that the period of reduction of 107 days in connection with the filing of a supplemental reply pursuant to 37 CFR 1.704(c)(8) on October 28, 2009, should be removed, because the supplemental reply was expressly requested by the examiner.

Upon review, patentees are correct. On October 30, 2009, an Interview Summary was mailed by the examiner stating that, in response to the interview of October 27, 2009, the applicant was to submit a supplemental amendment to render the elected claims allowable, and cancel the non-elected claims. A supplemental amendment was filed on October 28, 2009. Additionally, an Examiner-Initiated Interview Summary was mailed on November 18, 2009, stating that an interview was conducted on November 17, 2009, and that the applicant was to file an amendment. On November 23, 2009, a supplemental amendment was filed. Accordingly, the showing of record is that the supplemental

¹ PALM Records indicate that the issue fee was paid on April 1, 2010.

amendment filed on October 28, 2009 (as well as the supplemental amendment of November 23, 2009), were expressly requested by the examiner. Therefore, the 107 day period of delay is not warranted and will be removed.

The patent term adjustment will be updated to 261 days (291 days of Office delay less 30 (137 - 107) days of applicant delay). The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

No fee is due with the subject request for reconsideration.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred sixty-one (261) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,776,564 B2

DATED : Aug. 17, 2010

DRAFT

INVENTOR(S) : Chu et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 154 days.

Delete the phrase “by 154 days” and insert – by 261 days--



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James C Scott
Roetzel & Anores
1375 E 9th Street Fl 10
1 Cleveland Center
Cleveland OH 44114-1788

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of
Pierson, et al.
Application No. 11/587,703
Filed: May 14, 2008
Attorney Docket No.076596.1045

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed October 14, 2010, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the Notice of Non-Compliant Amendment mailed April 12, 2010, which set a shortened statutory period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on May 13, 2010.

A grantable petition under 37 CFR 1.137(a)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (3).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

“In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is

¹As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

²In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."³

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."⁴

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"⁵

"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."⁶

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."⁷

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"⁸ Nonawareness of a PTO rule will not constitute unavoidable delay.⁹

³Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA) 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute."))

⁴Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

⁵Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

⁶Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q.2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

⁷Id.

⁸See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

⁹See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawareness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts that the Notice of Non-Compliant Amendment was not received.

With regard to item (3) above, the aforementioned argument of petitioner in support of petitioner's belief that the above-cited application was unavoidably abandoned is not persuasive. The reasons petitioner's argument must necessarily fail are addressed below.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner is required to provide the aforementioned statements and provide a master docket for the firm that shows all replies docketed for a date three months from the mail date of the non-final Office action. As indicated above, if a master docket does not exist, the renewed petition should so state and reference the docket record for the subject application. mail date of the nonreceived Office action as required by MPEP 711.03(c) cited above. The renewed petition must be accompanied by the portion of the master requested.

Alternatively, petitioner may revive the application based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply, the required petition fee (\$1,620.00 for a large entity and \$810.00 for a verified small entity), and a statement that the **entire** delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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James C Scott
Roetzel & Anores
1375 E 9th Street Fl 10
1 Cleveland Center
Cleveland OH 44114-1788

MAILED

FEB 14 2011

OFFICE OF PETITIONS

In re Application of :
Pierson, et al. :
Application No. 11/587,703 : **ON PETITION**
Filed: May 14, 2008 :
Attorney Docket No.076596.1045 :

This is a decision on the renewed petition under 37 CFR 1.137(a) filed December 15, 2010.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply to the Notice of Non-Compliant Amendment mailed April 12, 2010, which set a shortened statutory period for reply of one (1) month from its mailing date. No response was received within the allowable period, and the application became abandoned on May 13, 2010. A petition under 37 CFR 1.137(a) was filed October 14, 2010, and dismissed by a decision mailed November 22, 2010. A Notice of Abandonment was mailed December 20, 2010.

Petitioner has established that the entire delay—from the date the application became abandoned until the filing of the instant petition--was unavoidable.

It is noted that the petition fee was charged twice. The amount of \$270.00 will be refunded to the deposit account, in due course.

The file is now being directed to Technology Center 1700, GAU 1783 for further processing, including consideration of the amendment filed October 14, 2010.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110920

DATE : September 21, 2011

TO SPE OF : ART UNIT 1759

SUBJECT : Request for Certificate of Correction on Patent No.: 7,857,962

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

All changes may be made, as they do not change the scope or breath of previously allowed claims.

/JEFFREY T BARTON/
Supervisory Patent Examiner.Art Unit 1759



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

C. JAMES BUSHMAN
1001 West Loop South
Suite 810
HOUSTON TX 77027

MAILED
FEB 10 2012
OFFICE OF PETITIONS

In re Application of :
Alliot :
Application No. 11/587,712 : DECISION ON PETITION
Filed: December 10, 2007 :
Attorney Docket No. ACERGY-58 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 10, 2012, to revive the above-identified application.

The petition is **GRANTED**.

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers, which was mailed on October 26, 2011. The Notice to File Corrected Applications set an extendable two (2) month period for reply. Accordingly, this application became abandoned on December 27, 2011. A Notice of Abandonment was mailed on January 12, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1860.00, and (3) a proper statement of unintentional delay.


It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record..

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to the Office of Data Management for appropriate action in the normal course of business.



Charlema Grant
Attorney Advisor
Office of Petitions

Cc: Paul Grandinetti
P.O. Box 18385
Washington, D.C. 20036-8385



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

RADAR, FISHMAN & GRAUER PLLC
39533 WOODWARD AVENUE
SUITE 140
BLOOMFIELD HILLS, MI 48304-0610

MAILED
MAY 05 2011
OFFICE OF PETITIONS

Applicant: Thomas Hasler
Appl. No.: 11/587,741
International Filing Date: April 27, 2005
Title: Damping Device and Method For Damping Sound in Cavities Of Vehicles
Attorney Docket No.: 66682-0002
Pub. No.: US 2010/0213001 A1
Pub. Date: August 26, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221(b), received on September 16, 2010, for the above-identified application.

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains material errors on the front page of the publication wherein the name of one of the inventors "Pierre Millet" be removed.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The instant request does not identify a mistake in the publication made by the Office under 37 CFR 1.221(b) with respect to listing the non-signing inventor as an inventor on the publication. The non-signing inventor is an inventor and as such is properly listed as an inventor.

Applicant is reminded of his duty to conduct a reasonable inquiry before filing a paper before the Office. See MPEP 410.

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

Applicants' request for a corrected patent application publication on September 16, 2010, may constitute a "failure to engage in reasonable efforts to conclude processing or examination of the application." See 1.704(c). This determination will be made on or after a mailing of a Notice of Allowance.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

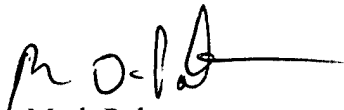
A guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication".

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

CANTOR COLBURN LLP
20 CHURCH STREET, 22ND FLOOR
HARTFORD, CT 06103

MAILED
FEB 17 2011
OFFICE OF PETITIONS

In re Application of
Jun-Kook CHOI, et al.
Application No. 11/587,783
Filed: November 30, 2007
Attorney Docket No. **SNJ-0083**

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(3)
:

This is a decision on the petition, filed February 10, 2011, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

Petitioner requests that the above-identified application be withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

cc: **CANTOR COLBURN, LLP**
1800 DIAGONAL ROAD, SUITE 510
ALEXANDRIA, VA 22314



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/587,783	11/30/2007	Jun-Kook Choi	SNJ-0083	9964
7590 02/28/2011 CANTOR COLBURN LLP 20 Church Street 22nd Floor Hartford, CT 06103			EXAMINER LI, SHI K	
			ART UNIT 2613	PAPER NUMBER
			NOTIFICATION DATE 02/28/2011	DELIVERY MODE ELECTRONIC

DECISION DISMISSING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment will not be recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is dismissed.

The express abandonment will **not** be recognized for the reason(s) indicated below:

- ☐ The petition was not filed in sufficient time to permit the appropriate officials to recognize the abandonment before an examination has been made of the application. See 37 CFR 1.138(d).
- ☐ The petition was not signed by a party authorized by 37 CFR 1.33(b)(1), (3) or (4).
- ☒ The application is not an application filed under 35 U.S.C. 111(a) on or after December 8, 2004.
- ☐ The petition for express abandonment under 1.138(d) is dismissed because the applicant did not pay any search fee and excess claims fees in the above-identified application.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.


Patent Publication Branch
Office of Data Management

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/16/2011 Paper No.: _____
 TO SPE OF : ART UNIT 1625 Andres Janet
 SUBJECT : Request for Certificate of Correction for Appl. No.: 11/587826 Patent No.: 7829715
 CofC mailroom date: 3/17/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:


Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



 Certificates of Correction Branch
 703-756-1571 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

JLA/

1625

SPE

Art Unit



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P.O. Box 1450
Alexandria, VA 22313-1450
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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

MAILED
JUL 08 2011
OFFICE OF PETITIONS

In re Application: :
Haugholt et al. :
Application No. 11/587,864 : **ON PETITION**
Filed: August 10, 2007 :
Attorney Docket No. 30316/04017 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed June 13, 2011.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-7751.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



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EDWARDS ANGELL PALMER &
DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAILED
AUG 01 2011
OFFICE OF PETITIONS

In re Application of	:	
Lee et al.	:	
Patent Number: 7,915,288	:	DECISION ON
Issue Date: 03/29/2011	:	PETITION REGARDING
Application No. 11/587906	:	PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 10/26/2006	:	
Attorney Docket Number: 60660(308372)	:	

This is a decision on the petition filed on May 31, 2011, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand twenty-six (1026) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand twenty-six (1026) days is **DISMISSED**.

As to the period of time excluded from B delay for appellate review, Patentee's argument has also been considered, but not found persuasive. The period consumed by appellate review, whether successful or not, is excluded from the calculation of B delay. See, 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 30 days, beginning on October 28, 2010, the date of filing of the notice of appeal, and ending on November 26, 2010, the date of mailing of the Notice of Allowance.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the

interpretation of appellate review applied in this decision, Patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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MAILED

NOV 29 2011

PCT LEGAL ADMINISTRATION

MORGAN LEWIS & BOCKIUS LLP (WA)
1111 PENNSYLVANIA AVENUE NW
WASHINGTON DC 20004

In re Application of: KRISBERG, Hal, M., et al. :
U.S. Application No.: 11/587,994 :
PCT No: PCT/US2005/014554 :
International Filing Date: 27 April 2005 :
Priority Date Claimed: 30 April 2004 :
Attorney Docket No.: 00108-5001-US :
For: ADAPTIVE VIDEO TELEPHONE :
SYSTEM :

DECISION ON PETITION UNDER
37 CFR 1.78(a)(6)

This is a decision on the "Petition Under 37 C.F.R. § 1.78(a)(6)" filed on 04 October 2011. The petition seeks acceptance of an unintentionally delayed claim of benefit under 35 U.S.C. 119(e) to prior-filed U.S. provisional application 60/566,410.

For the reasons discussed below, the petition is **DISMISSED AS MOOT**.

The materials filed on 30 October 2006 to initiate the present national stage application did not include an amendment to the first sentence of the specification adding a benefit claim to prior-filed U.S. provisional application 60/566,410 or an application data sheet (ADS) containing a reference to the provisional application. However, the PCT Request (Form PCT/RO/101) filed in the international application on the international filing date included a priority claim directed to U.S. application 60/566,410, and this priority claim is listed on the published international application.

Where a claim for priority under 37 CFR 1.78(a)(6) is not included in the first sentence of the specification or in an ADS, but it does appear elsewhere in the application materials **and** the Office notes the claim for priority on the initial filing receipt, a petition is not required to accept a late claim for priority. See MPEP section 201.11(III)(D). In the instant case, the Office noted the claim for priority to prior-filed provisional application 60/566,410 contained in the copy of the international application, as shown by the inclusion of this benefit claim on the initial filing receipt mailed herein on 27 March 2008.

In view of the above, the present petition under 37 CFR 1.78(a)(6), and the accompanying petition fee of \$1,410, is unnecessary in the present application.

Applicants should note that, even though the Office has recognized the benefit claim by including it on applicant's filing receipt and has determined here that a petition under 37 CFR 1.78(a)(6) is not required, as set forth in MPEP section 201.11(III)(D): "the benefit claim is not a proper benefit claim under 35 U.S.C. 119(e) or 35 U.S.C. 120 and 37 CFR 1.78 unless the reference is included in an ADS or in the first sentence(s) of the specification and all other

requirements are met.” The present decision only indicates that a petition under 37 CFR 1.78(a)(6) is not required for entry of the benefit claim to the prior-filed provisional application. It is for the Examiner to determine whether the “Amendment Under 37 C.F.R. §1.312” including such benefit claim (filed by applicant concurrently with the present petition) is appropriately entered herein.

Any questions concerning this decision on petition may be directed to the undersigned. All other inquiries concerning the status of the application should be directed to the Technology Center.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
(571) 272-3296



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P.O. Box 1450
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Paper No.

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON VA 22201-2909

MAILED
DEC 30 2011
OFFICE OF PETITIONS

In re Application of	:	
Zhang	:	
Application No. 11/588,065	:	DECISION ON PETITION
Filed: October 25, 2006	:	UNDER 37 C.F.R. § 1.137(B)
Attorney Docket Number:	:	
20060193	:	
Title: METHODS AND APPARATUS	:	
FOR CONTENT SCRAMBLING IN A	:	
COMMUNICATIONS SYSTEM	:	

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed on December 2, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed May 23, 2011, which set a shortened statutory period for reply of three months. An after-final amendment was received on July 12, 2011, and an advisory action was mailed on July 28, 2011. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were requested, and no further responses were received. Accordingly, the above-identified application became abandoned on August 24, 2011. A notice of abandonment was mailed on December 8, 2011, subsequent to the filing of this petition.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R.

§ 1.17(m);

- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further submitted an amendment that has been considered by the Examiner. A communication from the Examiner has been included with this decision.

The first, second, and third requirements of Rule 1.137(b) have been satisfied. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received with the present petition can be processed.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

¹ See Rule 1.137(d).

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay.² In the event that such an inquiry has not been made, Petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, Petitioner must notify the Office.

Telephone inquiries **regarding this decision** should be directed to the undersigned at (571) 272-3225.³



Paul Shanowski
Senior Attorney
Office of Petitions

Encl. Miscellaneous Office Communication

cc: MICHAEL P. STRAUB
788 Shrewsbury Avenue
Tinton Falls, NJ 07724

² See 37 C.F.R. § 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
11/588,065	25 October 2006	ZHANG, MUXIANG	20060193

VERIZON
PATENT MANAGEMENT GROUP
1320 North Court House Road
9th Floor
ARLINGTON, VA 22201-2909

EXAMINER

CHARLES C. JIANG

ART UNIT	PAPER
2472	20111222

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

OK to Enter Upon Revival

/C. C. J./
Examiner, Art Unit 2472



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

STEVEN W. SMITH
4224 Hartlees Field Road
Denton TX 76208

MAILED

NOV 05 2010

OFFICE OF PETITIONS

In re Application of :
Kenneth J. Lovegreen et al. :
Application No. 11/588,072 : **DECISION ON PETITION**
Filed: October 26, 2006 :
Attorney Docket No. 1039-37 CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 4, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 29, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2010. Accordingly, the date of abandonment of this application is September 30, 2010. A Notice of Abandonment was mailed on October 12, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/9/11

TO SPE OF : ART UNIT 1641

SUBJECT : Request for Certificate of Correction for Appl. No.: 11588073 Patent No.: 7776605

CofC mailroom date: 2/24/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Director's SPE response to 571-270-9990

Lamonte Newsome

**Certificates of Correction Branch
571-272-3421**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not apply.**

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Mark Shibuya/ _____

SPE

Art Unit

1641



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MONAHAN & MOSES, LLC
13-B W. WASHINGTON ST.
GREENVILLE SC 29601

MAILED

JAN 12 2012

OFFICE OF PETITIONS

In re Application of
Parler et al.
Application No. 11/588131
Filing or 371(c) Date: 10/26/2006
Pat. Num.: 7274551
Issue Date: 09/25/2007
Title of Invention:
HERMETICALLY SEALED
ELECTROLYTIC CAPACITOR

ON PETITION

This is a notice regarding request for acceptance of a fee deficiency submission under 37 CFR 1.28. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**NOKIA CORPORATION
C/O WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
BUILDING FIVE, BRADFORD GREEN
755 MAIN STREET, PO BOX 224
MONROE CT 06468**

MAILED
JAN 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Masatoshi NAKAMATA et al.	:	
Application No. 11/588,187	:	DECISION ON PETITION
Filed: October 26, 2006	:	
Attorney Docket No. 944-003.341-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 15, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 16, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office action of October 15, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Technology Center AU 2617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in black ink, appearing to read "Michelle R. Eason", with a stylized flourish at the end.

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11-1-11

TO SPE OF : ART UNIT 1729

SUBJECT : Request for Certificate of Correction for Appl. No.: 11588474 Patent No.: 8012629

CofC mailroom date: 10-20-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D40-E
Palm Location 7580

Note:

Omega Lewis

703-756-1575

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

Mela Riddick
SPE

1729
Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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MAILED

DEC 05 2011

OFFICE OF PETITIONS

AT&T CORP
ROOM 2A207
ONE AT&T WAY
BEDMINSTER NJ 07921

In re Patent No. 7,523,205 :
Issue Date: April 21, 2009 :
Application No. 11/588,567 : **DECISION ON PETITION**
Filed: October 28, 2006 :
Attorney Docket No. SHERMAN 2001- :
0025CIP-1con :

This is a decision on the "PETITION PURSUANT TO 37 CFR 3.81(b) TO CORRECT NAME OF ASSIGNEE VIA A CERTIFICATE OF CORRECTION PURSUANT TO 37 CFR 1.323", filed July 5, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

(A) the processing fee required by 37 CFR 1.17(i);

(B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;

¹ See 37 CFR 3.81.

(C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

Receipt of the \$100 fee for the Certificate of Correction is acknowledged. The \$130 processing fee for the instant petition has been charged to Deposit Account No. 50-0732.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



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Alexandria, VA 22313-1450
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KEVIN D. MCCARTHY
ROACH BROWN MCCARTHY & GRUBER, P.C.
424 MAIN STREET
1920 LIBERTY BUILDING
BUFFALO NY 14202

MAILED

OCT 20 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of
Thomas P. Stewart et al.
Application No. 11/588,583
Filed: October 27, 2006
Attorney Docket No: 0-03-208

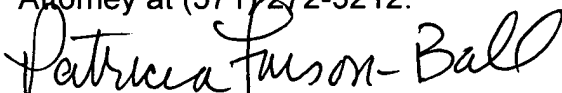
This is a decision on the petition filed September 22, 2010 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed February 24, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned May 25, 2010. Accordingly, a Notice of Abandonment was mailed September 15, 2010.

This matter is being referred to Technology Center 3771 for appropriate action on the amendment filed September 22, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Approved

WS

10/27/10

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER: 200507348-1

IN RE APPLICATION OF: U.S. Patent No. 7,760,207

USPTO CONFIRMATION CODE: 2640

APPLICATION NO.: 11/588,602

FILED: Oct. 27, 2006

EXAMINER: WESNER SAJOUS

GROUP ART UNIT: 2628

FOR: IMAGE DISPLAY ADJUSTMENT SYSTEM AND METHOD

37 CFR 1.322 & 37 CFR 1.323 REQUEST FOR CERTIFICATE OF CORRECTION

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS

Sir:

The following is a request for a certificate of correction in Serial Number 11/588,602, now Patent Number 7,760,207.

A certificate of correction under 35 USC 254 is respectfully requested in the above-identified patent.

☐ All errors were the fault of the USPTO, no fee required. In the event that a further fee is required, please charge the amount to Deposit Account No. 082025.

☐ All errors were the fault of the applicant and, accordingly, please charge **\$100.00** to our Deposit Account No. 082025. In the event that a further fee is required, please charge the amount to the same Deposit Account.

☒ The errors were the fault of both the applicant and USPTO and, accordingly, please charge **\$100.00** to our Deposit Account No. 082025. In the event that a further fee is required, please charge the amount to the same Deposit Account.

The exact locations where the errors appear in the patent and patent application are as follows:

In column 6, line 57, in Claim 9, delete "causing" and insert - - causing the - -, therefor.

(Amendments to claims filed on Mar. 26, 2010, page 3, in claim 11, line 6)

In column 6, line 60, in Claim 9, delete "image" and insert - - image, - -, therefor.
(Examiner's Amendment Communication filed on Jun. 17, 2010, page 2, line 12)

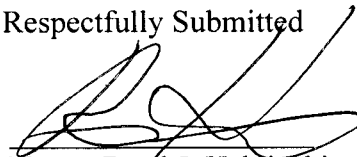
In column 7, line 21, in Claim 14, delete "means" and insert - - means, - -, therefor.

(Examiner's Amendment Communication filed on Jun. 17, 2010, page 2, line 15)

The requested corrections are attached on Form PTO 1050.

September 22, 2010
DATE

Respectfully Submitted



Name: Reed J. Hablinski
Registration No.: 55,238

Attorney/Agent of Record

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 7,760,207
APPLICATION NO. : 11/588,602
ISSUE DATE : Jul. 20, 2010
INVENTOR(S) : John W. Frederick, et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In column 6, line 57, in Claim 9, delete "causing" and insert - - causing the - -, therefor.

In column 6, line 60, in Claim 9, delete "image" and insert - - image, - -, therefor.

In column 7, line 21, in Claim 14, delete "means" and insert - - means, - -, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Hewlett-Packard Company
Intellectual Property Administration
3404 E. Harmony Road
Mail Stop 35
Fort Collins, CO 80528

This collection of information is required by 37 CFR 1.322, and 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patent, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20101027

DATE : October 28, 2010

TO SPE OF : ART UNIT 2628

SUBJECT : Request for Certificate of Correction on Patent No.: 7760207

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

SPE: Kee Tung

Art Unit 2628



UNITED STATES PATENT AND TRADEMARK OFFICE

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POLSTER LIEDER WOODRUFF & LUCCHESI LC
12412 POWERSCOURT DR SUITE 200
ST LOUIS MO 63131-3615

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re
James, et al.
Application No. 11/588,641
Filed: October 27, 2006
Attorney Docket No. JMAR 9468U1

DECISION

This is a decision on the fee deficiency submission under 37 CFR 1.28(c), filed October 1, 2010.

The fee deficiency submission under 37 CFR 1.28 of \$65 for the one month extension of time is accepted.

The change of status to large entity has been entered.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE CA 94085

MAILED
AUG 15 2011
OFFICE OF PETITIONS

In re Application of :
Marks et al. :
Application No. 11/588,779 : DECISION ON PETITION
Filing Date: October 26, 2006 : PURSUANT TO
Attorney Docket No.: SONYP048A : 37 C.F.R. § 1.78(A)(3)
/ SCEA04009US01 :
Title: SYSTEM AND METHOD FOR :
INTERFACING WITH A COMPUTER :
PROGRAM :

This is a decision on the petition pursuant to 37 C.F.R. § 1.78(a)(3), filed July 26, 2011 to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to a prior-filed U.S. application, set forth in an amendment that was submitted to the Office on August 3, 2011.

This petition is GRANTED.

A petition for acceptance of a claim for late priority under 37 C.F.R. § 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 C.F.R. 1.78(a)(2)(ii). In addition, the petition under 37 C.F.R. 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 C.F.R. § 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question

whether the delay was unintentional.

37 C.F.R. § 1.78(a)(3)(iii) requires a statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 C.F.R. § 1.78 and the date the claim was filed was unintentional. Since the statement contained in this petition varies from the language required by 37 C.F.R. § 1.78(a)(3)(iii), the statement contained in this petition is being construed as the statement required by 37 C.F.R. § 1.78(a)(3)(iii), and Petitioner must notify the Office if this is not a correct interpretation of the statement contained in this petition.

With this petition, Petitioner has included a benefit claim, the surcharge, and a statement that is being construed as the proper statement of unintentional delay.

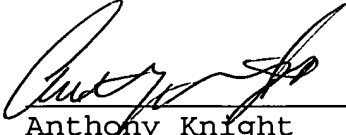
All of the above requirements having been satisfied, the late claim for priority pursuant to 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of this petition to accept the delayed benefit claim to the prior-filed application pursuant to 37 C.F.R. § 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 C.F.R. §§ 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that Applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the Examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2624 for consideration by the examiner of Applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.¹



Anthony Knight
Director
Office of Petitions

Encl. Corrected Filing Receipt

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

DRAFT COPY - DO NOT MAIL

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLMS	IND CLMS
11/588,779	10/26/2006	2624	2880	SONYP048A / SCEA04009US01	43	6

CONFIRMATION NO. 3140

25920
MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE
SUITE 200
SUNNYVALE, CA 94085

CORRECTED FILING RECEIPT

OC000000049221212

Applicant(s)

Richard Marks, Foster City, CA;
Hrishikesh Deshpande, Foster City, CA;
Gary M. Zalewski, Foster City, CA;

Assignment For Published Patent Application

Sony Computer Entertainment Inc., Tokyo, JAPAN

Power of Attorney: The patent practitioners associated with Customer Number 25920.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/730,659 10/26/2005
and is a CIP of 10/759,782 01/16/2004 PAT 7,623,115
which is a CIP of 10/207,677 07/27/2002 PAT 7,102,615

Foreign Applications (You may be eligible to benefit from the Patent Prosecution Highway program at the USPTO. Please see <http://www.uspto.gov> for more information.)

If Required, Foreign Filing License Granted: 11/14/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/588,779**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

System and method for interfacing with a computer program

Preliminary Class

382

DRAFT COPY - DO NOT MAIL

IN THE SPECIFICATION

Please amend the specification, a

Please replace paragraph [0001], with the following amended claim of priority:

-- This application claims priority to U.S. Provisional Patent Application No. 60/730,659, filed October 26, 2005, entitled "System and Method for Interfacing with a Computer Program," having inventor Richard L. Marks, and also claims priority as a continuation-in-part under 35 USC 120 of U.S. Patent Application No. 10/759,782, filed on January 16, 2004, now U.S. Patent No. 7,623,115, entitled "Method and Apparatus for Light Input Device," naming Richard L. Marks as inventor. --

Between paragraph [0071] and [0072], please insert the following (which is added directly from incorporated by reference US Application No. 11/429,414):

-- The controllers discussed herein can be either wired or wireless. Technologies, such as WiFi, BluetoothTM, IR, sound, and lights may work to interface with a computer, such as a game console.

A controller has an interface containing a number of controls and a motion sensing device therein. In one embodiment, motion sensing device may be a three axis accelerometer. Accelerometers are generally known in the field of electronics, and typically comprise a small solid state device having structures that respond to changes in momentum, and sensors that detect the responses. Miniaturized accelerometers are available for sensing translational movements as well as rotational movements. Translational movements are movements along x, y, and z axes. Rotational movements are rotations about one or more of the x, y, and z axes. Translation-detecting accelerometers can detect the direction of the pull of gravity, and therefore identify the absolute orientation of a device (such as a game controller) with respect to the pull of gravity. Controller includes a translation sensing accelerometer, which generates digital data received by a circuit (not shown) contained within controller. The digital data can be converted into translational movement vectors and orientation of the device, determinable from the pull of gravity on the device. In this manner, the circuit identifies motion and orientation of controller and transmits this data along with other data representing user interaction with various controls of interface. to the game console in a manner generally known in the art, e.g., via a cable, infra-red, or radio connection. It is also possible to encode the data into LED modulations for viewing by an image capture device. The motion captured by the device can be represented as absolute position and orientation information (taking an initial position as the origin) and/or change in position and orientation.

An exemplary procedure for communicating movement of controller to a computer program is provided. The procedure begins wherein the motion of the game controller may be detected. In one embodiment, motion may be detected by detecting changes in momentum of the controller, which may be detected using an accelerometer. The changes in momentum may then be converted into movement vectors and/or absolute position vector from an initial



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KRIEG DEVAULT LLP
ONE INDIANA SQUARE
SUITE 2800
INDIANAPOLIS IN 46204-2079

MAILED

AUG 04 2010

OFFICE OF PETITIONS

In re Application of :
Petkovsek et al. :
Application No. 11/588,803 : DECISION ON PETITION
Filed: October 27, 2006 :
Attorney Docket No. FLTW-71 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 6, 2010, as required by the Notice of Allowance and Fee(s) Due mailed April 6, 2010. Accordingly, the application became abandoned on July 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510 and the publication fee of \$300, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571)272-6059.

This application is being referred to the Office of Data Management for processing into a patent.

Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED

MAR 25 2011

OFFICE OF PETITIONS

In re Application of	:	
Zeldin et al.	:	DECISION ON PETITION
Application No. 11/588,848	:	TO WITHDRAW
Filed: October 26, 2006	:	FROM RECORD
Attorney Docket No. 43390-8012.US01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

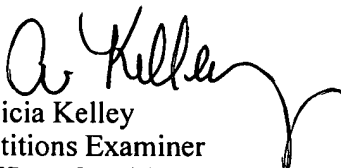
A review of the file record indicates that no Statement Under 37 CFR 3.73(b) by the current assignee has been filed in the instant application, therefore the request cannot be approved at this time.

A proper Statement Under 3.73(b) must include the chain of title starting from the inventor(s) including a reel and frame number of the recorded assignment or, a copy of the assignment(s).

There is an outstanding Office action mailed November 12, 2010, that requires a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.


Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AT&T Legal Department - Roebuck
Attn: Patent Docketing
One AT&T Way,
Room 2A-207
Bedminster NJ 07921

MAILED

OCT 27 2011

OFFICE OF PETITIONS

In re Application of :
Xidong Wu et al. :
Application No. 11/588,858 : **DECISION ON PETITION**
Filed: October 26, 2006 :
Attorney Docket No. **462 (ATT 2021)** :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 29, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed June 29, 2011. Accordingly, the date of abandonment of this application is September 30, 2011.

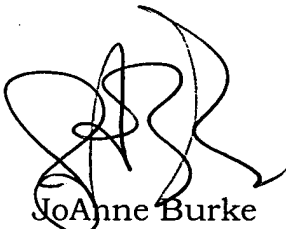
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,740 and the publication fee of \$300, (2) the petition fee of \$1,860; and (3) a proper statement of unintentional delay.

On September 29, 2011, petitioner submitted \$1,510 for payment of the issue fee. However, effective September 27, 2011, the issue fee has increased to \$1,740. The amount of the fee(s) due is set forth in 37 CFR 1.18 with the exact amount determined by the fee schedule in effect as of the date of submission of the fee(s). Thus, the amount due at the time the fee(s) are paid may differ from the amount indicated on the Notice of Allowance. Accordingly, applicants are encouraged, at the time of submitting payment of the fee(s), to determine whether the amount of the issue fee due or any required fee publication fee has changed to avoid the patent lapsing for failure to pay the balance of the issue fee due (37 CFR 1.317) or becoming abandoned or failure to pay the

publication fee. See MPEP 1306. Therefore, as a result of the fee increase there was a balance of \$230 in the Issue fee. Petitioner has submitted with the instant petition \$300 for the balance of the issue fee payment. Upon applying the \$230 difference towards the issue fee payment there was a \$70 remaining balance. Petitioner may request a refund of this remaining balance of \$70 by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for processing into a patent.

A handwritten signature in black ink, appearing to be 'JoAnne Burke', written over a circular stamp or seal.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AT&T Legal Department - Roebuck
Attn: Patent Docketing
One AT&T Way,
Room 2A-207
Bedminster NJ 07921

MAILED
NOV 21 2011

OFFICE OF PETITIONS

In re Application of :
Xidong Wu et al. :
Application No. 11/588,858 : **DECISION ON PETITION**
Filed: October 26, 2006 :
Attorney Docket No. **462 (ATT 2021)** :

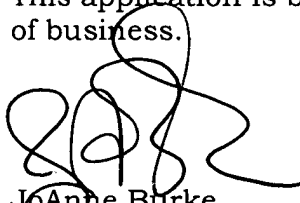
This is a corrected decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 12, 2011, to revive the above-identified application.

Our records indicate that the above-identified application was never held abandoned for failure to timely pay the issue and publication fees. Therefore, the petition filed on October 12, 2011, is unnecessary and is **DISMISSED AS MOOT**.

A review of the file records indicates that on September 29, 2011, petitioner submitted \$1,510 as payment of the issue fee. However, effective September 26, 2011, the issue fee increased to \$1,740. Therefore, as a result of the fee increase there was a deficit of \$230 in the Issue fee paid. Petitioner has submitted with the instant petition \$300 for the balance of the issue fee payment. Upon applying the \$230 needed for the issue fee there is a \$70 excess payment. Accordingly, the remaining balance of \$70 and the \$1,860 petition fee will be credited back to petitioner's credit card.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to the Office of Data Management for normal course of business.


JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PERKINS COIE LLP
P.O. BOX 1208
SEATTLE, WA 98111-1208

MAILED
APR 04 2011
OFFICE OF PETITIONS

In re Application of	:	
Zeldin et al.	:	DECISION ON PETITION
Application No. 11/588,878	:	TO WITHDRAW
Filed: October 26, 2006	:	FROM RECORD
Attorney Docket No. 43390-8011.US01	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 9, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

A review of the file record does not indicate that an updated Statement Under 37 CFR 3.73(b) by the current assignee has been filed in the instant application, therefore the request cannot be approved at this time.

A proper Statement Under 3.73(b) must include the chain of title starting from the inventor(s) including a reel and frame number of the recorded assignment or, a copy of the assignment(s).

There is an outstanding Office action mailed November 26, 2010, that requires a reply from the applicant.

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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SANDIA CORPORATION
P O BOX 5800
MS-0161
ALBUQUERQUE NM 87185-0161

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Kurto O. WESSENDORF et al.
Application No. 11/588,905
Filed: October 27, 2006
Attorney Docket No. SD10319S109349

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 26, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before May 02, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed February 02, 2011. Accordingly, the date of abandonment of this application is May 03, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to the Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
• Alexandria, VA 22313-1450
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FISH & RICHARDSON P.C. (BO)
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Patent No. 7,780,392	:	DECISION ON REQUEST FOR
ROGERS et al.	:	RECONSIDERATION OF
Issue Date: August 24, 2010	:	PATENT TERM ADJUSTMENT
Application No. 11/588,962	:	AND
Filed: October 27, 2006	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. 23758-0011001	:	CERTIFICATE OF CORRECTION

This is a decision on the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(d), filed October 23, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred thirty-four (234) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred thirty-four (234) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred thirty-four (234) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,780,392 B2
DATED : Aug. 24, 2010
INVENTOR(S) : ROGERS et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 190 days

Delete the phrase "by 190 days" and insert – by 234 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

BioTechnology Law Group
12707 High Bluff Drive, Suite 200
San Diego, CA 92130-2037

MAILED

SEP 24 2010

OFFICE OF PETITIONS

In re Application of
Roger A. SABBADINI, et al.
Application No. 11/588,973
Filed: October 27, 2006
Attorney Docket No. **LPT-3001-CP2**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 22, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 3, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1643 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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LERNER DAVID LITTENBERG
KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

MAILED

AUG 03 2011

In re Application of	:	OFFICE OF PETITIONS
Robin A. Felder	:	
Application No. 11/588,974	:	DECISION GRANTING PETITION
Filed: October 27, 2006	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FELDER 3.0-002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, August 2, 2011 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 21, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3735 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

MAILED

JAN 17 2012

OFFICE OF PETITIONS

ERNEST D. BUFF
ERNEST D. BUFF AND ASSOCIATES, LLC.
231 SOMERVILLE ROAD
BEDMINSTER NJ 07921

In re Application of :
Whiting :
Application No. 11/588,988 :
Filed: October 27, 2006 : DECISION ON PETITION
Attorney Docket No. 0330-1 : UNDER 37 C.F.R. § 1.137(B)
Title: NAVIGATIONAL AID SYSTEM :
FOR FISHERMEN :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed December 19, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed March 30, 2010, which set a shortened statutory period for reply of three months. An after-final amendment was received on June 4, 2010, and an advisory action was mailed on November 1, 2011. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on July 1, 2010.

On December 19, 2011, Petitioner filed a Request for Continued Examination (RCE)¹ along with the associated fee, an amendment, the petition fee, and the proper statement of unintentional delay. The concurrently filed amendment has been accepted as the required reply under 37 C.F.R. § 1.137(b)(1).

¹ The petition indicates that a "Request for Continued Prosecution" was filed concurrently with this petition. The undersigned contacted Petitioner telephonically on January 12, 2012, and confirmed this to be a typographical error.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.²

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment submitted on December 19, 2011 - can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.³ All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

² See Rule 1.137(d).

³ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT A. KENT
P.O. BOX 1431
DUNCAN, OK 73536

MAILED

MAY 27 2011

OFFICE OF PETITIONS

In re Application of :
Thomas D. Welton :
Application No. 11/589,022 :
Filed: October 27, 2006 :
Attorney Docket No. 2006-IP-020346U2 :

ON PETITION

This is a decision on the petition, filed May 26, 2011 under 37 CFR 1.313(c)(2) to withdraw the above identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 9, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 2723210.

This matter is being referred to Technology Center AU 1766 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Iona N. Kaiser
McDermott Will & Emery
1000 Louisiana, Suite 3900
Houston, TX 77002-5005

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Robert W. Mulcahy
Applied Materials, Inc.
Box 450A
Santa Clara CA 95052

MAILED
APR 02 2012
OFFICE OF PETITIONS

In re Application of

Smick, et al.

:

Application No. 11/589,281

: DECISION ON PETITION

Filed: October 20, 2006

:

Attorney Docket No. 010875 USA
IMPLANT/ORION

This is a decision on the petition under 37 CFR 1.137(b), filed March 9, 2012, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed April 27, 2009, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on July 28, 2009. A Notice of Abandonment was mailed November 9, 2009.

The amendment filed March 9, 2012, is noted.

The application is being forwarded to Technology Center GAU 2881 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DEERE & COMPANY
ONE JOHN DEERE PLACE
MOLINE, IL 61265

MAILED

DEC 29 2010

OFFICE OF PETITIONS

In re Application of
Joshua D. GRAEVE, et al.
Application No. 11/589,459
Filed: October 30, 2006
Attorney Docket No. **17315-US**

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 29, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 20, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

There is no indication that the petition is signed by a patent attorney of record. However, in accordance with 37 CFR 1.34, the signature of Mr. Jamie M. Drewry appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If, Mr. Drewry desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Drewry, the petitioner herein. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3611 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). *Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 20231

8/18/2010

Patent No. :7762332
Inventor(s) :Lopez et al.
Issued :7/27/2010
Title : METHOD OF USING WATER-SUPERABSORBENT POLYMER TO
REDUCE CONVECTION FLOW VELOCITY
Atty.doc./File No.

Request for Certificates of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction, for the above – identified patent under the provisions of CFR 1.322.

Inspection of the application for the patent reveals item [63], is printed in accordance with the record please show evidence of supporting data or amendment. Therefore being no fault on the Patent and Trademark Office, It has no authority to issue a certificate of correction under the provision of 1.322.

In view of the forgoing, your request in this matter, is hereby denied.

Future written correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Henry Randall
Decisions & Certificates
of Correction Branch
(703) 756-1571

JONES & SMITH LLP
2777 ALLEN PARKWAY
SUITE 1000
HOUSTON, TX 77019

HR



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7,797,590 B2
Serial No. : 11/589,484
Inventor(s) : Rauli Kaksonen
Issued : September 14, 2010

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

The alleged error on the Title page, item [30] with respect to the omitted priority claim, it is clear that the Manual statement, in accordance with the statutory requirement, requires the filing of a claim of priority in the continuing application. Absent of such a claim, statutory requirement have not been met. Therefore, no correction is in order here under Rules 1.322 and 1.323. It is a change made in accordance with the style of the Invention Patent Manual.

In view of the foregoing, your request is hereby denied.

Further correspondence concerning this matter should be filed and directed to decisions and Certificates of Correction Branch. Any response must be filed within a four week period along with fee of \$100.00.

Eva James
For Mary Diggs
Decisions & Certificates
Of Correction Branch
(571-272-3422 or (703) 756-1580

Ober/Kaler c% Royal W. Craig
120 E. Baltimore Street
Baltimore, Maryland 21202

ej



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DOWELL BAKER, P.C.
201 MAIN STREET
SUITE 710
LAFAYETTE IN 47901

MAILED

MAR 07 2011

OFFICE OF PETITIONS

In re Application of :
William J. Seefeldt :
Application No. 11/589621 : DECISION ON PETITION
Filing or 371(c) Date: 10/30/2006 : UNDER 37 CFR §§ 1.78(a)(3) and (a)(6)
Attorney Docket No. D0052-0001 :

This is a decision on the "37 CFR 1.78(a)(3) Petition to Correct Claim for Priority," filed November 24, 2010, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed amendment. The petition is properly treated under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).

The petition is **DISMISSED**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

- (1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1).

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under either 37 CFR 1.78(a)(2)(i) or 37 CFR 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states

that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Further as to item (1), the reference to add the above-noted, prior-filed applications on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference prior-filed applications 11/126,660 and 60/570,402. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See Dart Industries v. Banner*, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition can be granted, petitioner must submit a substitute amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6).¹


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Director for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Derek Woods at (571) 272-3232.


Christopher Bottorff
Supervisor
Office of Petitions

¹ The claim for priority may also be made in an Application Data Sheet in compliance with 37 CFR 1.121 and 37 CFR 1.76(b)(5).



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DORITY & MANNING, P.A.
POST OFFICE BOX 1449
GREENVILLE, SC 29602-1449

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MAR 07 2011

OFFICE OF PETITIONS

In re Application of
Richard P. LEWIS, et al.
Application No. 11/589,684
Filed: October 30, 2006
Attorney Docket No. **KCX-1247**
(64103230US01)

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 4, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 31, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The petition is not signed by an attorney of record. Nevertheless, in accordance with 37 CFR 1.34, the signature of Mr. James Bagarazzi appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Bagarazzi desires to receive future correspondence regarding this file, the appropriate power of attorney documents must be submitted.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 3654 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SOFER & HAROUN, L.L.P.
317 Madison Avenue
Suite 910
New York NY 10017

MAILED

FEB 08 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Patent No. 7,457,890
Issue Date: November 25, 2008
Application No. 11/589,695
Filed: October 30, 2006
Attorney Docket No. 655-012C3

This is a decision on the Request For Correction Of Patent Under Rule 37 CFR 1.183, filed October 14, 2010, which is being treated as a Petition Under 37 CFR 3.81(b) to add ---Equator Technologies, Inc., Campbell, CA-- to the Title Page of the Patent via a Certificate of Correction.

The petition under 37 CFR §3.81(b) is **DISMISSED**.

Petitioner requests that the present Petition was submitted to add --Equator Technologies, Inc., Campbell, CA-- on the previously submitted PTOL-85B and such error was inadvertent.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a) and the processing fee set forth in § 1.17(i) of this chapter.

The Petition Under 37 CFR §3.81(b) was not accompanied by a Certificate of Correction Form (PTO/SB/44) as required by §3.81(b). See *also* MPEP 1481.01. Since petitioner has failed to comply with the provisions of 37 CFR §3.81(b), the petition is dismissed.

Inquiries related this communication should be directed to the undersigned at (571)272-3213.

Cheryl Gibson-Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVAK DRUCE + QUIGG LLP
300 NEW JERSEY AVE, NW
FIFTH FLOOR
WASHINGTON DC 20001

MAILED

JUN 08 2011

OFFICE OF PETITIONS

In re Application of :
KIENZLE, et al :
Application No. 11/589,807 : **DECISION ON PETITION**
Filed: October 31, 2006 :
Docket No. 8369.040.US0000 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 25, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, March 24, 2010, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on June 25, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$1620; and (3) and the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3657 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/589,867	10/31/2006	Akihito Yamada	Q98143	5884
7590 09/08/2010 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213			EXAMINER HARVEY, DAVID E	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 09/08/2010	DELIVERY MODE ELECTRONIC

DECISION GRANTING PETITION UNDER 37 CFR 1.138(d)
The declaration of express abandonment is recognized

This is in response to the petition under 37 CFR 1.138(d), requesting for a refund of any previously paid search fee and excess claims fee in the above-identified application.

The petition is granted.

The express abandonment is recognized. Any previously paid search fee and excess claims fee are hereby refunded.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Mimi Farmer
Patent Publication Branch
Office of Data Management

USPTO Patent Publication Branch
2010/09/08 14:00:00
USPTO Patent Publication Branch

Adjustment date: 09/07/2010
USPTO Patent Publication Branch
USPTO Patent Publication Branch



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/589,943	10/31/2006	Paul L.A.M. Corstjens	018.0070-US00	6851

7590 11/19/2010
J.A. Lindeman & Co. PLLC
3190 Fairview Park Drive
Suite 480
Falls Church, VA 22042

EXAMINER

NGUYEN, BAO THUY L

ART UNIT	PAPER NUMBER
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1641

NOTIFICATION DATE	DELIVERY MODE
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11/19/2010

ELECTRONIC

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

November 17, 2010

J.A. Lindeman & Co. PLLC
3190 Fairview Park Drive
Suite 480
Falls Church VA 22042

In re Application of	:	
Paul L.A.M. Corstjens, et al.	:	DECISION ON PETITION
Application No. 11589943	:	
Filed: 10/31/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. 018.0070-US00	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) October 31, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Decision Date : August 26, 2011

In re Application of :

Jeffrey Miller

Application No : 11589988

Filed : 31-Oct-2006

Attorney Docket No : 01-003920

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed August 26, 2011 , to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11589988	
Filing Date	31-Oct-2006	
First Named Inventor	Jeffrey Miller	
Art Unit	2815	
Examiner Name	FANG-XING JIANG	
Attorney Docket Number	01-003920	
Title	CONTINUOUSLY VARIABLE GRADED ARTIFICIAL DIELECTRICS USING NANOSTRUCTURES	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a ☒ grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	/Donna Fabian/
Name	Donna M. Fabian
Registration Number	64671



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARMANDO PASTRANA, JR.
ALCON RESEARCH, LTD.
IP LEGAL – MAIL CODE TB4-8
6201 SOUTH FREEWAY
FORT WORTH TX 76134-2099

MAILED
SEP 26 2011
OFFICE OF PETITIONS

In re Application of
Ronald T. Smith
Application No. 11/590,011
Filed: October 31, 2006
Attorney Docket No. 2986-US

:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.313(c)
:

This is a decision on the petition under 37 CFR 1.313(c), filed September 27, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 23, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3769 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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GLOBAL PATENT OPERATION-AVIATION
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STE 648
SHELTON CT 06484

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DEC 20 2010
OFFICE OF PETITIONS

In re Application of :
Karl Edward SHELDON et al. :
Application No. 11/590,041 : **DECISION ON PETITION**
Filed: October 31, 2006 :
Attorney Docket No. 187672-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 02, 2010, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 08, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 09, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1,620.00, and (3) a proper statement of unintentional delay. Accordingly, the reply to the Restriction Requirement of September 08, 2009 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-4231.

This application is being referred to Technology Center AU 3741 for appropriate action by the Examiner in the normal course of business on the reply received


Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/20/10

Paper No.: _____

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/590126 Patent No.: 7579446B2

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert

Certificates of Correction Branch

571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/Zachariah Lucas/

1648



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MALLOY & MALLOY, P.A.
2800 S. W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI, FL 33129

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of
Campbell et al.
Application No. 11/590,164
Filed: October 31, 2006
Attorney Docket No. 1.483.06

:
:
:
:
:

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 8, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). In view of the three month extension of time filed April 8, 2010, via certificate of mailing, the date of abandonment of this application is April 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$405 and the submission required by 37 CFR 1.114, (2) the petition fee of \$810 and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2856 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Alicia Kelley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

04 OCT 2010

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TRASKBRITT, P.C. /SHUFFLE MASTER
P.O. BOX 2550
SALT LAKE CITY UT 84110

In re Application of :
BLAHA, Ernst, et al. :
U.S. Application No.: 11/590,340 : DECISION
Filing Date: 30 October 2006 :
Att. Docket No.: 3286-8182.1US (PA1621.ap. :
For: CHIP SORTING DEVICE :

This is a decision on the petition under 37 CFR 1.55(c), filed 27 August 2008, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed international application set forth in the concurrently filed amendment to the specification. The petition has been treated as a petition under 37 CFR 1.78(a)(3).

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed international application has been included in an application data sheet; and (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted. With regard to item (3), Petitioner states that "the entire delay between the date the claim was due under paragraph a(1) of [Rule 55] and the date the claim was filed was unintentional" is construed to mean "the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional." If this is incorrect, Petitioners MUST immediately notify the Office of PCT Legal Administration. Having so construed Petitioners' statement, the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 USC 365(c) and 35 U.S.C. § 120 to the prior-filed international application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt that accompanies this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. The examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

Any inquiries concerning this decision may be directed to the Erin Thomson at (571) 272-3292.

This application is being forwarded to Technology Center Art Unit 3653 for appropriate action on the amendment filed 27 August 2008, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed international application.

/Boris Milef/

Boris Milef
Legal Examiner
Office of PCT Legal Administration

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 02/14/11

TO SPE OF : ART UNIT 2811

SUBJECT : Request for Certificate of Correction for Appl. No.: 11590480 Patent No.: 7808013

CofC mailroom date: 02/01/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the Director's SPE response to 571-270-9990

Certificates of Correction Branch

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

/Lynne A. Gurley/

AU 2811

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HAMRE, SCHUMANN, MUELLER & LARSON, PC
P.O. BOX 2902
MINNEAPOLIS, MN 55402-0902

MAILED

AUG 04 2010

In re Application of
Gisulfo Baccini
Application No. 11/590500
Filed: October 31, 2008
Attorney Docket No. 20013.49US01

OFFICE OF PETITIONS
DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 13, 2010.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response, period that the practitioner(s) intend to withdraw from employment; and (2) delivered to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled. The failure to do so may subject the practitioner to discipline. It is also noted that false certification may violate a practitioners' duty under 37 CFR 10.23(b)(4) and (b)(5).

Petitioner should also note that the Office will no longer accept address changes to a new practitioner of law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because the request does not include an acceptable current correspondence address for future communications from the Office.

Additionally, as set forth in MPEP 403(I), the addition or deletion of a practitioner from the list of persons associated with a Customer Number should be done by way of a Request for Customer Number Data Change (PTO/SB/124) and not a Request for Withdrawal As Attorney or Agent and Change of Correspondence Address (Form PTO/SB/83).

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: PATTERSON & SHERIDAN, LLP
APPM/TX
3040 POST OAK BOULEVARD
SUITE 1500
HOUSTON, TX 77056



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Christopher J. Capelli, Esq.
2 Suzanne Lane
Chappaqua NY 10514

MAILED

OCT 12 2010

OFFICE OF PETITIONS

In re Application of :
Raymond Albert Capelli :
Application No. 11/590,527 :
Filed: October 31, 2006 :
Attorney Docket No. 91050-00602 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of August 27, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is November 28, 2009. A Notice of Abandonment was mailed on April 12, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR

1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lack item (1).

As to item 1, the amendment filed on July 12, 2010, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of the advisory action.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/590,527

Applicant(s)

CAPELLI, RAYMOND ALBERT

Examiner

WERNER GARNER

Art Unit

3714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-31.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/WERNER GARNER/
Examiner, Art Unit 3714

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that Redenbach in view of Pawlicki do not disclose "if the BET value for the horse race is evenly divisible by at least one of 2 dollars and 5 dollars, accepting the BET value and accepting the TO WIN value; and if the BET value for the horse race is unevenly divisible by 2 dollars and 5 dollars, increasing the BET value to a first nearest dollar divisible by at least one of the 2 and 5 dollars, accepting the increased BET value, recalculating the TO WIN value in accordance with the increased BET value, and accepting the recalculated TO WIN value." Examiner disagrees. Pawlicki teaches rounding a bet to the nearest \$5 increment using a simple Martingale. If a bet is increase from \$15 to \$22.50, either \$20 or \$25 must be chosen. Since the betting strategy described by Pawlicki requires an increase of 50 percent, the only choice that meets the requirement to increase by 50 percent is \$25. Applicant further argues that Martingale is to be avoided when the gambling event is horse racing, citing Scarne. Scarne clearly disapproves of the the Martingale system and provides some commentary, including many of the practical problems encountered trying to apply the betting system in the real world. If you win, the payoff price is even money or better. Despite his disapproval, Scarne confirms that the Martingale is the most popular betting system. Applicant further argues that the values determined by Pawlicki and applicant differ. Examiner concurs that the values supplied by applicant are different. Examiner disagrees that applicant's betting strategy is the only strategy that meets the requirements of the claims. Specifically, any betting system that only rounds up to the nearest \$5 also reads on the claims. Rounding up to the nearest \$2 bet is not required, as examiner interprets the current claims. In addition, applicant describes the Pawlicki approach as a "50% system". Pawlicki actually describes a system wherein "the losing bettor would increase his next wager by the inverse of the payoff." If the odds are 5:1, then the increase in the wager would be 1/5, not 1/2. When the Redenbach is combined with the system of Pawlicki (i.e., increasing the bet by the inverse of the payoff to the next higher \$5 divisible increment), the result reads on the present claims. Applicant further argues that Redenbach does not read on claims 17, 18, and 19 since, presumably, the steps take place without intervention. Examiner is unable to locate language within the claims indicating that no intervention is required by the user. Nevertheless, Redenbach discloses showing a cursor in the upper left box, which is advanced to the next entry box (Redenbach, steps 1 and 2 [page 4]) for further input. Subsequently, the processor starts a predefined algorithm and displays results on screen. Applicant argues that Redenbach fails to disclose a TO WIN value, ODDS value, BET value, RACE value, a LOST value, and a WON value. Examiner disagrees. Redenbach discloses a TO WIN value (target amount (1)), ODDS value (odds box (3)), BET value (outlay box (4)), RACE value (number box (2)), LOST/WON value (recover box (12)) (Redenbach [Fig. 1]).

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

11/590,527

Applicant(s)

CAPELLI, RAYMOND
ALBERT

Examiner

WERNER GARNER

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12 July 2010 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

WERNER GARNER/
Examiner, Art Unit 3714

Notice of Non-Compliant Amendment (37 CFR 1.121)

Continuation of 4(e) Other: Claims 13, 14, and 23 indicate (Once Ameded) but appear to include language that was deleted in the previous office action ("at least one of" on line 3 of claims 13 and 14 and "at least" on line 7 of claim 23). Given the status identifier, it is unclear whether applicants intend to reinsert the deleted language.



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RAYMOND A. CAPELLI
253D COLUMBINE AVE
WHITING NJ 08759

MAILED
AUG 24 2011
OFFICE OF PETITIONS

In re Application of :
Raymond Albert Capelli :
Application No. 11/590,527 : DECISION ON PETITION
Filed: October 31, 2006 :
Attorney Docket No. 91050-00602 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed July 5, 2011 and July 11, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action of August 27, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). Accordingly, the date of abandonment of this application is November 28, 2009. A Notice of Abandonment was mailed on April 12, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks items (1) and (3).

As to item (1), the amendment filed on July 11, 2011, does not *prima facie* place the application in condition for allowance, therefore the reply required must be a Notice of Appeal (and appeal fee), an RCE, or the filing of a continuing application under 37 CFR 1.53(b). See attached courtesy copy of the advisory action.

As to item (3) petitioner indicates that at the time the response was due, the attorney of record was "negligent" in sending in a response to the dismissed petition mailed October 12, 2010. A response to the final office action mailed August 27, 2009 was not timely received. Petitioner also mentions several health problems during the period of no response to the dismissed petition. Applicant should be aware that a petition of unavoidable delay should explain the period of time between the mailing of the Office action (August 27, 2009) and the filing of a petition to revive. All time periods were not covered. Applicant did not provide medical documentation from a medical provider regarding his/her health.

The showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

If petitioner cannot provide the evidence necessary to establish unavoidable delay, or simply does not wish to, petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the \$810 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

A petition to revive under 37 CFR 1.137(b), was filed on July 12, 2010 and dismissed on October 12, 2010. Applicant can file a renewed petition in response to the dismissed petition, the petition fee of \$810 has been previously paid.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By facsimile: **(571) 273-8300**
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20110711

DATE : May 03, 2011

TO SPE OF : ART UNIT 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 7,732,576

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - ST (South Tower) 9A22

Palm location **7590** - Tel. No. (703) 305-8309

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriated box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Paragraph 2, page 1 of 6. A later application for a distinct or independent invention, carved out of a pending application due to a restriction requirement and disclosing and claiming only subject matter disclosed in an earlier or parent application is known as a divisional application or "division." The prosecution history of 10/299,003 (now US 7,217,795) indicates there was no restriction between the invention in 10/299,003 and the invention claimed in the instant case 11/590,556. Note the restriction mailed on 7/25/2005 in Application 10/299,003. Note ODP rejection over the claims of US 7,217,795 and TD filed on 7/23/09 to overcome the rejection.

/MISOOK YU/
Supervisory Patent Examiner.Art Unit 1642

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 6

PATENT NO. : 7,732,576

APPLICATION NO.: 11/590,556

ISSUE DATE : June 8, 2010

INVENTOR(S) : Steck et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

~~Title page (page 1), in the Related U.S. Application Data, line 9, please change "continuation of application No. 10/299,003" to "division of application No. 10/299,003".~~ DO NOT ENTER: /M.Y./

Title page (page 1), in the References Cited, please add the following patent documents--5,686,113 11/1997 Speaker et al. ; 6,287,854 09/2001 Spurr et al. ; WO 98/33907 08/1998 Steck et al. ; WO 97/15686 5/1997 Spurr et al.--

Title page (page 2), in the Other Publications, please add the following non patent literature documents after the last line in Col.2 that states * cited by examiner :

--ARCH, E.M. et al., "Deletion of *PTEN* in a Patient with Bannayan-Riley-Ruvalcaba Syndrome Suggests Allelism with Cowden Disease," *Am. J. Med. Genets.*, 1997; 71:489-93. ;

ALBAROSA, R. et al., "Deletion mapping of gliomas suggest the presence of two small regions for candidate tumor-suppressor genes in a 17-cM interval on chromosome 10q," *Am J Hum Genet.*, 1996 58:1260-67. ;

BIANCHI et al., "Mutations in transcript isoforms of the neurofibromatosis 2 gene in multiple human tumor types", *Nature Genetics*, February 1994, 6(2):185-192. ;

BIGNER et al., "Specific Chromosomal Abnormalities in Malignant Human Gliomas", *Cancer Research*, January 15, 1988, 88(2):405-411. ;

BORK, P., "Powers and Pitfalls in Sequence Analysis," *Genome Research*, 2000; 10:398-400. ;

CARTER, B.S. et al., "Allelic loss of chromosomes 16q and 10q in human prostate cancer," *Proc. Nat. Acad. Sci. USA*, 1990; 87:8751-55. ;

DALY et al., "A homozygous deletion on chromosome 3 in a small cell lung cancer cell line correlates with a region of tumor suppressor activity", *Oncogene*, 1993, 8:1721-1729. ;

EL-AZOUZI et al., "Loss of distinct regions on the short arm of chromosome 17 associated with tumorigenesis of human astrocytomas", *Proc. Natl. Acad. Sci. USA*, September 1989, 86(18):7186-7190. ;

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Myriad Genetics, Inc.
Intellectual Property Department
320 Wakara Way
Salt Lake City, UT 84108

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 2 of 6

PATENT NO. : 7,732,576

APPLICATION NO.: 11/590,556

ISSUE DATE : June 8, 2010

INVENTOR(S) : Steck et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

FINOCCHIARO et al., "Construction of a 4.5 Mb ordered YAC contig from one putative tumor suppressor region in glioblastomas on 10q25", *Am. J. Human Genetics*, 1996, 59(4 suppl.): A66, #345. ;

FU et al., "Translational regulation of human p53 gene expression", *The EMBO Journal*, 1996, 15(16):4392-4401. ;
FUJIMOTO, M. et al., "Loss of Heterozygosity on Chromosome 10 in Human Glioblastoma Multiforme," *Genomics*, 1989; 4:210-14. ;

FULTS, D. et al., "Molecular Cytogenetic Analysis of a t(7;10) in a Human Glioblastoma Cell Line," *Cancer Genet. Cytogenet.*, 1995; 81:118-24. ;

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GULDBERG, P. et al., "Disruption of the *MMAC1/PTEN* Gene by Deletion or Mutation is a Frequent Event in Malignant Melanoma," *Cancer Res.*, 1997; 57:3660-63. ;

HERBST, R.A. et al., "Loss of Heterozygosity for 10q22-10qter in Malignant Melanoma Progression," *Cancer Res.*, 1994; 54:3111-14. ;

ITTMANN, M., "Allelic loss on chromosome 10 in prostate adenocarcinoma," *Cancer Res.*, 1996; 56:2143-47. ;
JACOBY et al., "A juvenile Polyposis Tumor Suppressor Locus at 10q22 Is Deleted From Nonepithelial Cells in the Lamina Propria", *Gastroenterology*, 1997, 112:1398-1403. ;

JAMES, C.D. et al., "Clonal genomic alterations in glioma malignancy stages," *Cancer Res.*, 1988; 48:5546-51. ;
JANG et al., "An examination of the effects of hypoxia, acidosis, and glucose starvation on the expression of metastasis-associated genes in murine tumor cells", *Clinical & Experimental Metastasis*, 1997, 15(5):469-483. ;

KARLBOM, A.E. et al., "Loss of heterozygosity in malignant gliomas involves at least three distinct regions on chromosome 10," *Hum. Genet.*, 1993; 92:169-74. ;

KIMMELMAN, A.C. et al., "Loss of Heterozygosity of Chromosome 10p in Human Gliomas," *Genomics*, 1996; 34:250-54. ;

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**UNITED STATES PATENT AND TRADEMARK OFFICE
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Page 3 of 6

PATENT NO. : 7,732,576

APPLICATION NO.: 11/590,556

ISSUE DATE : June 8, 2010

INVENTOR(S) : Steck et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

KLEIN, J., "Self-nonsel self discrimination, histoincompatability, and the concept of immunology," *Immunogenetics*, 1999; 50:116-123. ;

KOK et al., "A homozygous Deletion in a Small Cell Lung Cancer Cell Line Involving a 3p21 Region with a Marked Instability in Yeast Artificial Chromosomes", *Cancer Research*, August 1, 1994, 54(15):4183-4187. ;

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LI, D-M. et al., "TEP1, Encoded by a candidate Tumor Suppressor Locus, is a Novel Protein Tyrosine Phosphatase Regulated by Transforming Growth Factor β 1," *Cancer Res.*, 1997; 57:2124-29. ;

LI, J. et al., "PTEN, a Putative Protein Tyrosine Phosphatase Gene Mutated in Human Brain, Breast, and Prostate Cancer," *Science*, 1997; 275:1943-47. ;

LIAW, D. et al., "Germline mutations of the *PTEN* gene in Cowden disease, an inherited breast and thyroid cancer syndrome," *Nature Genet.*, 1997; 16:64-67. ;

MARSH, D.J. et al., "Germline mutations in *PTEN* are present in Bannayan-Zonana syndrome," *Nature Genet.*, 1997; 16:333-34. ;

MATTHEWS & Van Holde, *Biochemistry* (textbook), 2nd Ed., pp. 165-171 (1996). ;

MATTHEWS, B., "Genetic and Structural Analysis of the Protein Stability Problem," *Perspective in Biochemistry*, 1989; 1:6-9. ;

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PATENT NO. : 7,732,576
APPLICATION NO.: 11/590,556
ISSUE DATE : June 8, 2010
INVENTOR(S) : Steck et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

MORITA et al., "Common Regions of Deletion on Chromosomes 5q, 6q, and 10q in Renal Cell Carcinoma", *Cancer Research*, November 1, 1991, 51(21):5817-5820. ;
MURAKAMI, Y.S. et al., "Suppression of the malignant phenotype of human prostate cancer cell line PPC-1 by introduction of normal fragments of human chromosome 10," *Cancer Res.*, 1996; 56:2157-60. ;
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PAUL, "Textbook, chapter 37", *Fundamental Immunology 3rd ed.*, 1993, 1330-1333. ;
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PERSHOUSE, M.A. et al. Abstract 400, "Allelic mapping of a tumor suppressing region on chromosome 10q in human glioblastomas," *Am. J. Human Genets.*, 57:Suppl. Oct. 1995. ;
PERSHOUSE, M.A. et al. Abstract 1043, "Functional Localization of Tumor Suppressor Genes on Chromosome 10 in Human Glioblastoma," *Proc. Amer. Assoc. Cancer Res.*, 1994; 35:174. ;
PERSHOUSE, M.A. et al., "Analysis of the functional role of chromosome 10 loss in human glioblastomas," *Cancer Res.*, 1993; 53:5043-50. ;
POWELL et al., "Expression of cytochrome P4502E1 in human liver: assessment by mRNA, genotype and phenotype", *Pharmacogenetics*, 1998,8:411-421. ;

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PATENT NO. : 7,732,576
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PROFT et al., "Identification and characterization of hitherto unknown *Mycoplasma pneumonia* proteins," *Molecular Microbiology*, 1994; 13(2):337-348. ;
RASHEED, B.K. et al., "Chromosome 10 deletion mapping in human gliomas: a common deletion region in 10q25," *Oncogene*, 1995; 10:2243-46. ;
REMPLE et al., "Loss of Heterozygosity for Loci on Chromosome 10 Is Associated with Morphologically Malignant Meningioma Progression", *Cancer Research*, May 15, 1993, 53(10):2386-2392. ;
RHEI, E. et al., "Mutation Analysis of the Putative Tumor Suppressor Gene *PTEN/MMAC1* in Primary Breast Carcinomas," *Cancer Res.*, 1997; 57:3657-59. ;
RIEGER et al., *Glossary of Genetics and Cytogenetics, Classical and Molecular* 4th ed., Springer-Verlag, Berlin Heidelberg New York 1976, 4 pages. ;
RISTORI et al., "Compositional bias and mimicry toward the nonself proteome in immunodominant T cell epitopes of self and nonself antigens," *FASEB Journal*, 2000; 14:431-438. ;
RUBIO et al., "Analysis of the Neurofibromatosis 2 Gene in Human Ependymomas and Astrocytomas", *Cancer Research*, January 1, 1994, 54(1):45-47. ;
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SONODA et al., "Loss of Heterozygosity at 11p15 in Malignant Glioma", *Can Research*, May 14, 1995, 55(10):2166-2168. ;
STECK, P.A. et al., "Identification of a candidate tumour suppressor gene, *MMAC1*, at chromosome 10q23.3 that is mutated in multiple advanced cancers," *Nature Genets.*, 1997; 15:356-62. ;
STECK, P.A. et al., "Two Tumor Suppressive Loci on Chromosome 10 Involved in Human Glioblastomas," *Genes, Chromosomes & Cancer*, 1995; 12:255-61. ;
STECK, P.A. et al. Abstract D-605, "Functional Roles of and Localization of Chromosome 10 Deletions in Human Glioblastomas," *J. Cell. Biochem.*, Suppl. 18A, p. 211 (Jan. 4-23, 1994). ;

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PATENT NO. : 7,732,576
APPLICATION NO.: 11/590,556
ISSUE DATE : June 8, 2010
INVENTOR(S) : Steck et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

TAM et al., "Sn2 Deprotection of Synthetic Peptides with a Low Concentration of HF in Dimethyl Sulfide: Evidence and Application in Peptide Synthesis", *J. Am. Chem. Soc.*, October 1983, 105(21):6442-6455. ;
TASHIRO, H. et al., "Mutations in *PTEN* are Frequent in Endometrial Carcinoma but Rare in Other Common Gynecological Malignancies," *Cancer Res.*, 1997; 57:3935-40. ;
TENG, D. H-F. et al., "*MMAC1/PTEN* mutations in primary tumor specimens and tumor cell lines," *Cancer Res.*, 1997; 57:5221-25. ;
TRYBUS, T.M. et al., "Distinct Areas of Allelic Loss on Chromosomal Regions 10p and 10q in Human Prostate Cancer," *Cancer Res.*, 1996; 56:2263-67. ;
VON DEIMLING et al., "DELETION MAPPING OF CHROMOSOME 19 IN HUMAN GLIOMAS" *Int. J. Cancer*, June 1994, 57(5):676-680. ;
VOULLAIRE et al., "A functional Marker Centromere with No Detectable Alpha-Satellite, Satellite III, or CENP-B Protein: Activation of a Latent Centromere?", *Am. J. Hum. Genet.*, 1993, 52:1153-1163. ;
VALLEJO et al., "Evidence of tissue-specific, post-transcriptional regulation of NRF-2 expression", *Biochimie*, 2000, 82:1129-1133. ;
WATLING, C.J. et al., "Loss of Heterozygosity Analysis of Chromosomes 9, 10 and 17 in Gliomas in Families," *Can. J. Neurol. Sci.*, 1995; 22:17-21. ;
WEI et al., "Construction of a 600-Kilobase Cosmid Clone Contig and Generation of a Transcriptional Map Surrounding the Lung Cancer Tumor Suppressor Gene (TSG) Locus on Human Chromosome 3p21.3: Progress toward the Isolation of a lung Cancer TSG", *Cancer Research*, April 1, 1996, 56(7):1487-1492. ;
WILSON et al., "2.2 Mb of contiguous nucleotide sequence from chromosome III of *C. elegans*," *Nature*, 1994; 368:32-38.--.

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CAMPBELL STEPHENSON LLP
11401 CENTURY OAKS TERRACE
BLDG. H, SUITE 250
AUSTIN, TX 78758

Mail Date: 08/31/2010

Applicant	: John C. Adler	: DECISION ON REQUEST FOR
Patent Number	: 7660238	: RECALCULATION of PATENT
Issue Date	: 02/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/590,576	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/31/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **115** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/590,609	10/30/2006	Jeff Anderson	Provide-P2-06	7478
<div>28710 7590 09/08/2011</div> <div>PETER K. TRZYNA, ESQ.</div> <div>P O BOX 7131</div> <div>CHICAGO, IL 60680</div>				
<div>EXAMINER</div> <div>ZUKANOVICH, BRANDY A</div>				
<div>ART UNIT PAPER NUMBER</div> <div>3625</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>09/08/2011 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 08 2011

PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO IL 60680

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of
Jeff ANDERSON et al.
Serial No.: 11/590,609
Filed: October 30, 2006
For: SHIPMENT PROVIDER SYSTEM

:
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: ON PETITION TO WITHDRAW
: FINALITY UNDER
: 37 CFR § 1.181
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This Decision is in response to Applicant's petition filed July 19, 2011 requesting withdrawal of a Final rejection which is believed to have been issued prematurely. The basis of this belief is that the Examiner improperly refused to consider the information referred to in the Information Disclosure Statement filed November 19, 2010.

The petition is **DENIED**.

History

The Examiner has made final the Office action (hereafter: "the Final Office action") mailed January 19, 2011. The Examiner indicated that the Office action contains new ground(s) of rejection, but that such new ground(s) were necessitated by Applicant's amendment (see the Final Office action at page 33).

The Examiner refused consideration of the information contained in the Information Disclosure Statement (hereafter: "the IDS") filed November 19, 2010. The Examiner indicated that the IDS failed to comply with 37 CFR 1.98(a)(1) (see the Final Office action at page 2).

Discussion

It is noted that Petitioner has not alleged that the Examiner erred in procedure in making the rejections on the merits final in this case, where, as stated in the Final Office action: "Applicant's amendment necessitated the new ground(s) of



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PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO IL 60680

In re Application of
Jeff ANDERSON et al.
Serial No.: 11/590,609
Filed: October 30, 2006
For: SHIPMENT PROVIDER SYSTEM

:
:
: **ON PETITION TO**
: **WITHDRAW**
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:
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The Examiner refused consideration of the information contained in the Information Disclosure Statement (hereafter: "the IDS") filed November 19, 2010. The Examiner indicated that the IDS failed to comply with 37 CFR 1.98(a)(1) (see the Final Office action at page 2).

Discussion

It is noted that Petitioner has not alleged that the Examiner erred in procedure in making the rejections on the merits final in this case, where, as stated in the Final Office action: "Applicant's amendment necessitated the new ground(s) of

rejection presented in [the] Office action". Nonetheless, the possibility of such error is worthy of consideration, *sua sponte*, before reaching a full decision on the propriety of the finality of the Office action mailed January 19, 2011.

To that end, a review of the file does not reveal that the Examiner acted in a manner inconsistent with 37 CFR 1.113. In the instant case, the Final rejection was on a second examination of the claims on their merits and any new ground(s) of rejection presented therein were necessitated by Applicant's amendments filed November 10, 2010. Accordingly, the finality of the Office action mailed January 19, 2011 will not be withdrawn on this basis.

Petitioner has, however, advanced the argument that the Final rejection is premature and must be withdrawn so as to ensure consideration of the information contained in the IDS. Petitioner argues that 37 CFR 1.98(d) requires that the Examiner consider information submitted in an Information Disclosure Statement if the information contained therein is either directed to the applications from which the instant case claims priority and/or if the information contained therein is submitted as a courtesy to the Examiner. Petitioner contends that the finality of the Office action containing such refusal was premature because the Examiner refused to consider the information referred to in the IDS contrary to the requirements of 37 CFR 1.98(d).

As an initial matter, it is not viewed that 37 CFR 1.98(d) places a requirement on the Examiner to consider information contained in an IDS because it is directed to the applications from which the instant case claims priority and/or because it is intended to provide a courtesy to the Examiner. Rather, 37 CFR 1.98(d) states a condition to be met by Applicant in ensuring consideration of information contained in an Information Disclosure Statement. 37 CFR 1.98(d) speaks to the conditions that necessitate the provision (by Applicant) of a copy (i.e. a material copy) of the information sought to be considered by the Examiner.

A review of the file reveals that the Examiner's refusal to consider the information contained in the IDS was not based upon a failure to comply with 37 CFR 1.98(d). The Examiner indicated that refusal was based on Applicant's failure to comply with 37 CFR 1.98(a)(1) (see the Final Office action at page 2). Accordingly, arguments directed to a failure to comply with 37 CFR 1.98(d) are ineffective in showing procedural error by the

Examiner in application of 37 CFR 1.98(a)(1). Accordingly, the finality of the Office action mailed January 19, 2011 will not be withdrawn on this basis.

Even absent an effective argument directed to an alleged error in procedure by the Examiner in applying 37 CFR 1.98(a)(1), the possibility of such error is worthy of consideration, *sua sponte*, before reaching a full decision on the propriety of the finality of the Office action mailed January 19, 2011.

To that end, a review of the IDS reveals that such IDS does not comply with 37 CFR 1.98(a)(1) (as originally observed by the Examiner) inasmuch as the IDS does not provide the required document listing including a column that provides a space next to each document to be considered, for the Examiner's initials. MPEP 609.02 stresses the importance in complying with 37 CFR 1.98(a)(1) when submitting an IDS in a continuing application.

MPEP 609.02(2) states, in pertinent part:

The examiner will consider information which has been considered by the Office in a parent application when examining: (A) a continuation application filed under 37 CFR 1.53(b), (B) a divisional application filed under 37 CFR 1.53(b), or (C) a continuation-in-part application filed under 37 CFR 1.53(b). A listing of the information need not be resubmitted in the continuing application unless the applicant desires the information to be printed on the patent. If resubmitting a listing of the information, applicant should submit a new listing that complies with the format requirements in 37 CFR 1.98(a)(1). Applicants are strongly discouraged from submitting a list that includes copies of PTO/SB/08 ** or PTO-892 forms from other applications. A completed PTO/SB/08 ** form from another application may already have initials of an examiner and the application number of another application. This information will likely confuse the record. Furthermore, when the spaces provided on the form have initials of an examiner, there are no spaces available next to the documents listed for the examiner of the subsequent application to provide his or her initials, and the previously relevant initials may be erroneously construed as being applied for the current application.

The Examiner's refusal to consider the information contained in the IDS filed November 19, 2010 was not in error because such refusal was based upon Applicant's failure to comply with 37 CFR

1.98(a)(1)(ii) in submission of the required parts of the IDS. Accordingly, the finality of the Office action mailed January 19, 2011 will not be withdrawn on this basis.

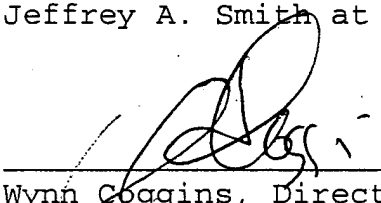
Summary:

The petition is **DENIED**.

The finality of the Office action mailed January 19, 2011 is considered proper and not premature and prosecution remains closed.

The file has been electronically forwarded to the Examiner for consideration of all submissions filed subsequent to the Final Office action mailed January 19, 2011. Such submissions include a response to the Final Office action filed July 15, 2011; and a Notice of Appeal and Pre-Appeal Brief Request For Review filed July 19, 2011. Responses to these respective filings will follow in due course.

Any questions dealing with this decision should be directed to Jeffrey A. Smith at (571) 272-6763.



Wynn Coggins, Director
Patent Technology Center 3600
(571)-272-5350

WC/jas:08/26/2011

TL

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/27/10

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 11590624 Patent No.: 7407535

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D40-D
Palm Location 7580

~~You can fax the Director's SPE response to 571-270-9990~~

Lamonte Newsome

Certificates of Correction Branch
 703-756-1574

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

/J.A. Lorengo/
 SPE

1793
 Art Unit

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1400
900 SECOND AVENUE SOUTH
MINNEAPOLIS MN 55402

MAILED

OCT 06 2011

OFFICE OF PETITIONS

In re Application of
J. Martin Carlson et al.
Application No. 11/590,638
Filed: October 31, 2006
Attorney Docket No.: T291.12-0016

ON PETITION

This is a decision on the petition filed September 23, 2011, under 37 CFR 1.181, to withdraw the holding of abandonment for the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned on August 30, 2010 and a Notice of Abandonment was mailed September 2, 2010, for the appellant's failure to file a proper reply after the Board of Patent Appeals and Interferences (Board) decision rendered June 29, 2010.

Petitioner asserts that the Board ruled for the Examiner, however, the Board acknowledged that claim 23 was an allowed claim. The Board made no ruling on claim 23 and therefore claim 23 remained an allowed claim after the "Decision on Appeal". Therefore, under MPEP § 1216.01(b), the Examiner should have cancelled the rejected claims whose rejection was affirmed by the Board of Appeals, and let the application pass to issue with regard to claim 23, which was the allowed claim.

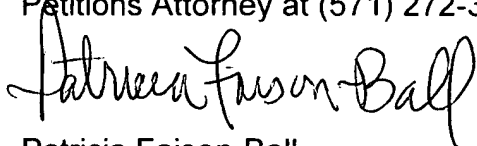
Following the procedures set forth in MPEP **1204.06(II)**, the appellant is not required to file a reply if a claim stands allowed. In this instance where claims were indicated as allowable prior to the claims going up to the Board and after the Board decision, the claims that were indicated allowable were issued while the sustained claims were cancelled, no response was required since the Decision on Appeal Affirmed-In-Part.

In view of the above, applicant did not have to either pursue the sustained claims by appealing the Board's decision or replying to the Board's decision within two months as was indicated in the decision. Therefore the application should not have been held abandoned.

In view thereof, the Notice of Abandonment was sent in error and is hereby withdrawn. No fee for the petition to withdraw the holding of abandonment is due and none has been charged.

This matter is being referred to Technology Center 3772 for further examination in due course.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink, reading "Patricia Faison-Ball". The signature is written in a cursive, flowing style.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA, VA 22314-1176

MAILED
SEP 20 2010
OFFICE OF PETITIONS

In re Application of :
Takayuki Miyajima, et al. :
Application No. 11/590,836 : DECISION GRANTING PETITION
Filed: November 1, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MIYA3022 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed September 17, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 1, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3661 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Date Mailed : August 4, 2010

Patent No. : 7,656,007
Patent Issued : February 2, 2010
Docket No. : 20040.01/IDT2242
Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 .

The alleged error(s) The correction is basically approved but not "55-92" pages but for "55,63,78,80,82,84,86,88,90,92". the patent is printed in accordance with the record .In view of the foregoing, your request, in this matter(s), is hereby denied.

Further consideration/reconsideration will be given upon receipt of a Request for Reconsideration under, under the provision of U.S.C.254 or 255 (C.F.R. 1.322 or 1.323), accompanied by the appropriate response or fee of \$100, which should be directed to Decisions & Certificates of Correction Branch.

Ennis Young
Legal Instrument Examiner
(703) 756-1542

For Mary Diggs, Supervisor
Decisions & Certificates of Correction Branch
(703) 756-1580 or (703) 756-1814 (Receptionist)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

PATENT NO.: 7,926,086

Page 1 of 1

DATED: June 19, 2011

INVENTOR(S): Thierry Violleau; Tanjore Ravishankar; Matthew Hill

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Claim 5, Column 13, lines 39-40, please delete "modules" and add ";

The corrections should be made.

/ANTHONY BROWN/
Examiner, Art Unit 2433

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2433

Receipt date: 05/17/2011

11591084 - GAU: 2433

APPROVED: /A.B./

PTO/SB/44 (09-07)
Approved for use through 08/31/2010. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

**UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 7,926,086
APPLICATION NO. : 11/591,084
ISSUE DATE : April 12, 2011
INVENTOR(S) : Thierry P. Violleau et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In Claim 1, Column 12, lines 42-45, please delete "a first set of instructions, when executed giving rise to the first application instance, is packaged within a first application module."

In Claim 1, Column 12, lines 60-61, please delete "in a shareable interface object (SIO) in the first application instance."

In Claim 4, Column 13, lines 16-18, please delete "determine whether application instances in the second protection domain are allowed to access the SIO in the first execution context."

In Claim 4, Column 13, lines 19-20, please delete "instructions for causing one or more processors to."

In Claim 5, Column 13, lines 28-31, please delete "determine whether the second application module belongs to a set of application modules that are allowed to access the protected resource."

In Claim 5, Column 13, lines 32-33, please delete "instructions for causing one or more processors to."

In Claim 7, Column 14, lines 13-16, please delete "a first set of instructions, when executed giving rise to the first application instance, is packaged with a first application module."

In Claim 7, Column 14, lines 31-35, please delete "in a shareable interface object (SIO) in the first application instance, wherein a second set of instructions, when executed giving rise to the second application instance, is packaged with a second application module."

MAILING ADDRESS OF SENDER (Please do not use customer number below):

Aly Z. Dossa
OSHA · LIANG LLP
3945 Freedom Circle, Suite 300
Santa Clara, California 95054

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 5/23/2011 Paper No.: _____
TO SPE OF : ART UNIT 2433
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/591084 Patent No.: 7926086 B1
CofC mailroom date: 5/17/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Examiner agree with changes /ab/

Anthony Brown /ab/

7/19/11

Examiner: Anthony Brown
Art:Unit 2433

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/23/2011

TO SPE OF : ART UNIT 2433

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/591084 Patent No.: 7926086 B1

CofC mailroom date: 5/17/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Examiner approves modifications /ab/

Anthony Brown /ab/
October 16, 2011



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/591,144	10/31/2006	Michael J. Kuhn	DD1-067	7879
83993	7590	02/15/2011		
DigiDeal Corporation 5123 East Third Street Spokane, WA 99212			EXAMINER DUFFY, DAVID W	
			ART UNIT	PAPER NUMBER
			3716	
			MAIL DATE	DELIVERY MODE
			02/15/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DigiDeal Corporation
5123 East Third Street
Spokane WA 99212

In re Application of:
KUHN, MICHAEL J. et al
Serial No.: 11/591,144
Filed: Oct. 31, 2006
Docket: DD1-067

Title: GAMING TABLES WITH MULTIPLE
PLAYER POSITIONS AND COMMON
DISPLAY

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DECISION ON PETITION
under 37 CFR 1.181

This is a decision on the petition filed on Sep. 8, 2010 filed under 37 CFR 1.181 seeking to have the rejection of claims 67-75 in the Examiner's Answer mailed on July 8, 2010 be designated as a new ground of rejection.

The petition is being considered pursuant to 37 CFR 1.181 and no fee is required.

The petition is DISMISSED.

The following relevant facts include:

1. On September 11, 2009, the final rejection was issued. In the final rejection, the examiner rejected claims 67-75 under 35 U.S.C. 103(a) as being unpatentable over Tarantino; Elia R. (US 5669817 A). Claims 85-86 were rejected under 35 U.S.C. 103(a) as being unpatentable over Tarantino; Elia R. (US 5669817 A) in view of Busch; Juergen Peter (US 3929338 A). Claim 81 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tarantino; Elia R. (US 5669817 A) in view of Dickinson; Peter D. (US 5951397 A). Claim 84 was rejected under 35 U.S.C. 103(a) as being unpatentable over Tarantino; Elia R. (US 5669817 A) in view of Dickinson; Peter D. (US 5951397 A) as applied to claim 81 above, and further in view of Busch; Juergen Peter (US 3929338 A).
2. On May 24, 2010, an Appeal Brief was filed.
3. In response, an Examiner's Answer was sent on July 8, 2010. In the Examiner's Answer, all final rejection of claims were unchanged and maintained. On page 4 under

the rejection of claims 67-75 and page 10 in the Response to Argument of the Examiner's Answer, the examiner states that ".....examiner contends that the information displayed on a screen during the course of the game and its orientation would be considered printed matter and as such is a matter of obvious design choice, well within the abilities of one of ordinary skill in the art to implement as desired. The structure of the system is not changed by the content and direction of the images displayed by the system and the content of the display does not produce any unexpected result. Accordingly, the content and orientation of said content does not serve to patentably distinguish over the prior art."

4. On Sep. 8, 2010, the applicant filed the current petition arguing that the examiner has improperly introduced new grounds of rejection in the Examiner's Answer of July 8, 2010. The applicant is requesting the rejection of claim 67 of the Examiner's Answer to be designated as new ground of rejection because the examiner made reference to the term "printed matter" on pages 4 and 10 of the Examiner Answer. In the petition, petitioner argues that the examiner raised "printed matter" issue for the first time in the Examiner's Answer. This issue was not brought in the final rejection. Therefore, petitioner believes this constitutes new grounds of rejection for claim 67 which is improper.

5. On September 17, 2010, the applicant filed a Reply Brief. In the Reply Brief, the appellant fully addressed the alleged new arguments/rejections of claim 67. In particular, the appellant believes, *inter alia*, that the claims as presented, are patentable and the examiner has not established a prima facie case on obviousness.

Discussion and Analysis

A comparison of the rejections in the final rejection of September 11, 2009 and the rejections in the Examiner's Answer July 8, 2010 does not show any new grounds of rejection. There is no new ground of rejection based on nonstatutory subject matter under 35 USC 101 as argued by petitioner. However, the examiner did mentioned the term "printed matter" on pages 4 and 10. Based on the entire context of the rejection of claims 67-75, the examiner's statement ".....examiner contends that the information displayed on a screen during the course of the game and its orientation would be considered printed matter and as such is a matter of obvious design choice, well within the abilities of one of ordinary skill in the art to implement as desired. The structure of the system is not changed by the content and direction of the images displayed by the system and the content of the display does not produce any unexpected result. Accordingly, the content and orientation of said content does not serve to patentably distinguish over the prior art" appears to be an analogy. The examiner appears to analogize the claimed information displayed on a screen during the course of the game and its orientation is a printed matter which is an obvious matter of design choice. In the petition, petitioner argues that the examiner raised the issue of printed matter as nonstatutory subject matter under 35 USC 101 constitutes new ground of rejection of claims 67-75. Petitioner believes that the Examiner Answer contains new grounds of rejection. However, a careful study of the final rejection of September 11, 2009 and the

Examiner Answer of July 8, 2010 does show that the rejections of claims were based on the same grounds of rejections of the claims under 35 USC 103 as being unpatentable jointly and severally over Tarantino; Elia R. (US 5669817 A), Busch; Juergen Peter (US 3929338 A), Dickinson; Peter D. (US 5951397 A) and Juergen Peter (US 3929338 A). The rejections of claims were never changed. The Examiner's Answer of July 8, 2010 simply does not show any new grounds of rejection. The alleged new issues regarding "printed matter" in the Examiner's Answer appears to be an analogy of the claimed elements in the claims. The statement in the Response to Argument section of the Examiner's Answer also does not constitute new grounds of rejection. The examiner's rebuttal arguments of Paragraph 10 of the Examiner's Answer do not alter the grounds of rejection presented in the Paragraph 9 of the Examiner's Answer. The rebuttal arguments of Paragraph 10 do not change the basis of the rejection under 35 USC § 103 as set forth in Paragraph 9 of the Examiner's Answer. It should be noted that there is no new ground of rejection when the basic thrust of the rejection remains the same. In this case, the statutory basis for the rejection and the evidence relied upon in support of the rejection remained the same in the Examiner's Answer of July 8, 2010. Petitioner should also note that even if the suggestion to characterize the examiner's statement regarding "printed matter" in the Examiner's Answer of July 8, 2010 as new grounds of rejection were persuasive, which it is not, the appellant still would have had a fair opportunity to react to these rebuttal arguments in the Reply Brief as permitted under 37 CFR 41.41(a) (1). In such a circumstance, a change in the discussion of, or rationale in support of, a change of arguments, if any, the examiner's rebuttal arguments do not necessarily constitute a new ground of rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425,426-27 (CCPA 1976); MPEP § 1207.03 (III)¹. In this case, the appellant in fact did file a Reply Brief on September 8, 2010 to fully react to the examiner's statement regarding "printed matter" of the Examiner's Answer of July 8, 2010. A fair opportunity to react to the examiner's rebuttal arguments was already provided. Moreover, on September 17, 2010, the examiner has approved the Reply Brief for entry for the Board to consider. Under the circumstances, there is no reason to compel the examiner to write a supplemental Examiner's Answer for adding a new nonstatutory subject matter rejection under 35 USC 101.

Conclusion

For the foregoing reasons, the relief requested by petitioner will not be granted. The application is being returned to the Board of Patent Appeals and Interference for decision.

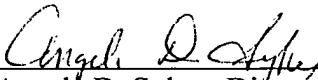
Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR 1.181(f). The reconsideration

¹ MPEP 1207.03 III states in pertinent part: There is no new ground of rejection when the basic thrust of the rejection remains the same such that an appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. *Id.* at 1303, 190 USPQ at 427 (reliance upon fewer references in affirming a rejection under 35 U.S.C. 103 does not constitute a new ground of rejection).

request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181."
The mere filing of a petition will not stay any period for reply that may be running
against the application, nor act as a stay of other proceedings. No extension of time under
37 CFR 1.136(a) is permitted

Any inquiry regarding this decision should be directed to Henry Yuen, Special Program
Examiner, at (571) 272-4856.

The petition is dismissed.



Angela D. Sykes, Director
Technology Center 3700



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450

The Procter & Gamble Company
Global Legal Department – IP
Sycamore Building – 4th Floor
299 East Sixth Street
Cincinnati, Ohio 45202

MAILED
FEB 16 2011
OFFICE OF PETITIONS

In re Application of :
Christopher IRWIN et al. : DECISION GRANTING PETITION
Application No. 11/591,239 : UNDER 37 CFR 1.137(b)
Filed: 1 November 2006 :
Atty. Docket No.: 10199 :

This is a decision on the petition under 37 CFR 1.137(b), filed 4 January 2011, to revive the above-identified application (“Application”).

The petition is **GRANTED**.

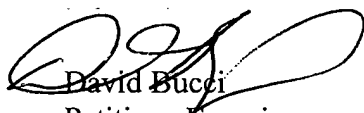
The Application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed 2 July 2010 (“outstanding Office action”), which set a shortened statutory reply period of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) was obtained. The application thus became abandoned on 3 October 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a Statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a Response to the outstanding Office action, the filing of a Request for Continued Examination (RCE), and RCE fee, (2) a petition fee of \$1620.00, and (3) a Statement of unintentional delay. The reply to the outstanding Office action is accepted as having been unintentionally delayed.

General inquiries relating to this decision should be directed to Robert DeWitty, Petitions Examiner, Office of Petitions (571-272-6051).

The application file will be referred to Technology Center Art Unit 1617 for further action on the filed Response.



David Bucci
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAWRENCE CHO ATTORNEY AT LAW
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

APR 11 2012

OFFICE OF PETITIONS

In re Application of	:	
SAVAGAONKAR, et al	:	
Application No. 11/591,258	:	DECISION ON PETITION
Filed: October 31, 2006	:	
Attorney Docket No. INT.P047	:	

This is a decision on the filed February 6, 2012, under the unintentional provisions of 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed September 22, 2011, which set a period for reply of three (3) months. Accordingly, this application became abandoned on December 23, 2011. A Notice of Abandonment was mailed on January 9, 2012.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1740 and publication fee of \$300, (2) the petition fee of \$1860; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HOLLAND & HART
222 SOUTH MAIN STREET, SUITE 2200
P.O. BOX 11583
SALT LAKE CITY, UT 84110

MAILED
MAY 05 2011
OFFICE OF PETITIONS

In re Application of	:	
Elizabeth A. Arndt, et al.	:	
Application No.: 11/591,289	:	ON PETITION
Filed: November 1, 2006	:	
Attorney Docket No.: 15721.0034USII	:	

This is a decision on the petition, filed May 4, 2011, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 14, 2011, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1789 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No.

E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED
MAY 10 2011
OFFICE OF PETITIONS

In re Application of :
Creazzo et al. : DECISION ON
Application No. 11/591,349 : PETITION
Filed: November 1, 2006 :
Attorney Docket No. FL1319USNA:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b), filed April 13, 2011.

The petition is **GRANTED**.

The above-identified application was abandoned for failure to file a timely reply to the final Office action sent September 30, 2010. This Office action set a shortened statutory period for reply of three (3) months from the mail date of the action. No proper reply having been received and no extension of time obtained the application became abandoned effective December 31, 2010. A courtesy Notice of Abandonment was sent on April 29, 2011¹.

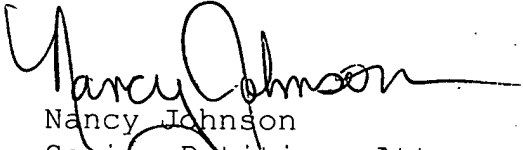
On petition, petitioner submitted a Request for Continued Examination (RCE) and submission under \$1.114 (in the form of an amendment) (and RCE fee); paid the petition fee; and made the required statement of unintentional delay.

Technology Center AU 1621 has been advised of this decision. The application is, thereby, forwarded to the examiner for

¹ This Notice should have stated that the application was abandoned as "No reply was received."

consideration of the RCE and submission submitted on petition filed April 13, 2011.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions



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Alexandria, VA 22313-1450
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HARRINGTON & SMITH, ATTORNEYS AT LAW, LLC
4 RESEARCH DRIVE, SUITE 202
SHELTON, CT 06484

MAILED
JUL 01 2011
OFFICE OF PETITIONS

In re Application of :
Heikki WARIS :
Application No. 11/591,484 : DECISION GRANTING PETITION
Filed: November 2, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **800.0235.U1(US)** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 30, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 10, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2437 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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June 29, 2011

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

In re Application of :
Fred Cohen : **DECISION ON PETITION**
Application No. 11591725 :
Filed: 11/1/2006 :
Attorney Docket No. 511-000210US :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) November 1, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language as the **first paragraph in** that portion of the specification relating to **the brief description of the drawings**.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☐ 3 ☒

A color drawings paragraph was provided, but was misplaced at paragraph [0003] of the specification. The paragraph must be the first paragraph in the Brief Description, i.e., after the heading on page 4.

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/591,725	11/01/2006	Fred Cohen	511-000210US	1240

7590 06/29/2011
QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

EXAMINER

CHANG, LI WU

ART UNIT	PAPER NUMBER
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2129

MAIL DATE	DELIVERY MODE
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06/29/2011

PAPER

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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December 5, 2011

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA CA 94501

In re Application of	:	
Fred Cohen	:	DECISION ON PETITION
Application No. 11591725	:	
Filed: 11/1/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. 511-000210US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) July 25, 2011.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch



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CARMEN PATTI LAW GROUP, LLC
ONE N. LASALLE STREET
44TH FLOOR
CHICAGO IL 60602

MAILED

DEC 15 2010

OFFICE OF PETITIONS

In re Application of :
David S. Benco et al. :
Application No. 11/591,945 : **DECISION ON PETITION**
Filed: November 02, 2006 :
Attorney Docket No, LUC-634/Benco 170-85- :
127- :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 17, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action, mailed October 16, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on January 17, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (1) and (3).

In regard to item (1) petitioner failed to provide an amendment that *prima facie* places the application in condition for allowance. (See attached courtesy copy of examiner's advisory action.)

In regard to item (3) the statement of intentional delay is unacceptable as the instant petition by attorney John Garrett is not accompanied by his signature. The signature is provided only with the "Certificate of Facsimile [transmission]."

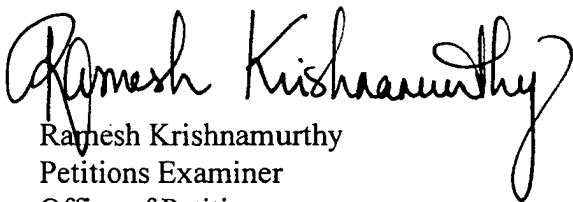
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

A handwritten signature in black ink, appearing to read "Ramesh Krishnamurthy". The signature is fluid and cursive, with the first name "Ramesh" and last name "Krishnamurthy" clearly distinguishable.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Please see attached PTOL-303

DO NOT ENTER

Advisory Action Before the Filing of an Appeal Brief	Application No. 11/591,945	Applicant(s) BENCO ET AL.	
	Examiner TIMOTHY PHAM	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 June 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/Dwayne D. Bost/
Supervisory Patent Examiner, Art Unit 2617

/ Timothy Pham/
Examiner, Art Unit 2617

DO NOT ENTER

DO NOT ENTER

Continuation Sheet (PTO-303)

Application No.

Continuation of 3: The newly added limitations "determine if currently available media content items include media content items that respectively match the preferences of the at least one subscriber terminal; determine, if the currently available media content items do not include media content items that match all of the preferences of the at least one subscriber terminal, a set of media content items that are closely tailored to the subscriber's preferences, but that do not match all of the media content items defined by the subscriber's preferences; and send the closely tailored set of media content items to the at least one subscriber" in at least claims 1 and 7 to proposed amended claim alter the scope of the previously examined claims; therefore, this raises new issues. These limitations change the scope of the claimed invention and require further search and consideration.

DO NOT ENTER



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United States Patent and Trademark Office
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MAILED

MAR 28 2011

OFFICE OF PETITIONS

**CARMEN PATTI LAW GROUP, LLC
ONE N. LASALLE STREET
44TH FLOOR
CHICAGO IL 60602**

In re Application of :
David S. Benco et al. :
Application No. 11/591,945 : **DECISION ON PETITION**
Filed: November 02, 2006 :
Attorney Docket No. LUC-634/Benco 170-85- :
127-

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed February 15, 2011, to revive the above-identified application.

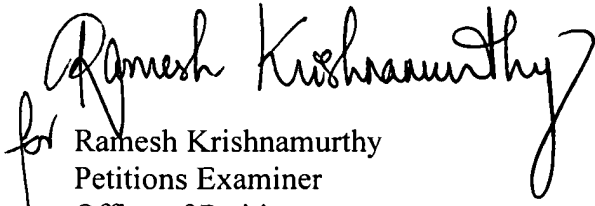
The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is January 17, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay. Accordingly, the reply filed February 15, 2011, to the final Office action of July 13, 2007 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at (571) 272-2783.

This application is being referred to Technology Center AU 2617 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


for Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP
TEN POST OFFICE SQUARE
BOSTON MA 02109

MAILED

SEP 13 2010

OFFICE OF PETITIONS

In re Application of :
Raymond M. Dunn :
Application No. 11/592,019 : **DECISION ON PETITION**
Filed: November 2, 2006 :
Attorney Docket No. UMASS-015AX :

This is a decision on the petition, filed July 26, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the final Office action of July 28, 2009, which set a three (3) month shortened statutory period for reply. Accordingly, a reply was due on or before October 28, 2009, or, on or before January 28, 2010, with a three (3) month extension of time. A Notice of Abandonment was mailed on June 9, 2010.

Petitioner contends that the Notice of Abandonment was mailed in error since a timely reply (Notice of Appeal) was received by the office on January 28 2010, along with a three (3) month extension of time. A review of the application file record confirms the receipt of this reply with the fees for a three (3) month extension of time, on January 28, 2010. It is also noted that petitioner has subsequently filed a Request for Continued Examination (RCE), RCE fee along with the fee for a four (4) month extension of time on July 28, 2010. Thus, the application is not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby **VACATED** and the holding of abandonment **WITHDRAWN**.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at 571-272-4584.

This application is being referred to Technology Center AU 3773 for appropriate action in the normal course of business on the reply received July 28, 2010.

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions



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**MANATT PHELPS AND PHILLIPS
ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO CA 94304**

MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Application of :
Terry R. Galloway :
Application No. 11/592,093 : **DECISION ON PETITION**
Filed: November 2, 2006 :
Attorney Docket No. 43952-030-004 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 10, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 10, 2010. Accordingly, the date of abandonment of this application is September 11, 2010. A Notice of Abandonment was mailed on September 24, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Harrington & SMith , Attorneys At Law, LLC
4 Research Drive, Suite 202
Shelton CT 06484

MAILED

APR 21 2011

In re Application of	:	OFFICE OF PETITIONS
Ari Hottinen	:	
Application No. 11/592,102	:	DECISION ON PETITION
Filed: November 1, 2006	:	
Attorney Docket No. 873.0186.U1(US)	:	

This is a decision on the petition, filed January 7, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply to the Notice of Non-Compliant Amendment (Notice) mailed August 9, 2010, which set a one (1) month period for reply. The application became abandoned on September 10, 2010. A notice of abandonment was mailed November 23, 2010.

Petitioner asserts that the Notice dated August 9, 2010 was not received.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice was not received by the practitioner;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Notice would have been entered had it been received and docketed must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

In view of the above, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

This application is being referred to the Technology Center technical support staff of Art Unit 2472 for re-mailing the Notice of August 9, 2010. The period for reply will run from the mailing date of the Office action.



Carl Friedman
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CONNOLLY BOVE LODGE & HUTZ LLP
1875 EYE STREET, N.W.
SUITE 1100
WASHINGTON DC 20006

MAILED

AUG 11 2010

In re Patent No. 7489059	:	OFFICE OF PETITIONS
Issue Date: 02/10/2009	:	
Application Number: 11/592254	:	ON PETITION
Filing or 371(c) Date: 11/03/2006	:	
Attorney Docket Number: 21994-00085-US1	:	

This is a decision on the petition filed May 8, 2010, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the assignee data on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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INTEL CORPORATION
C/O CPA GLOBAL
P.O. BOX 52050
MINNEAPOLIS MN 55402

MAILED

OCT 15 2010

OFFICE OF PETITIONS

In re Application of :
Ajanovic et al. :
Application No. 11/592,341 : **ON PETITION**
Filed: November 2, 2006 :
Attorney Docket No. P25172 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS), (2) the petition fee, and (3) a proper statement of unintentional delay.

35 U.S.C. 41(a)(7) and 151 each require payment of the issue fee as a condition of reviving an application abandoned for failure to pay the issue fee. Therefore, the filing of a continuing application without payment of the issue fee or any outstanding balance thereof is not an acceptable reply in an application abandoned for failure to pay the issue fee or any portion thereof. The \$1510.00 issue fee will be charged to petitioner's deposit account as previously authorized.

Petitioner is advised that, once submitted, the issue fee cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to Technology Center AU 2181 for processing of the Request for Continued Examination under 37 CFR 1.114 filed concurrently with the instant petition.

Liana Walsh
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Paper No.

E I DU PONT DE NEMOURS AND
COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1122B
4417 LANCASTER PIKE
WILMINGTON DE 19805

MAILED
JUN 20 2011
OFFICE OF PETITIONS

In re Application of :
Conley et al. : DECISION ON PETITION
Application No. 11/592,350 :
Filed: November 3, 2006 :
Attorney Docket No. HT4310USNA:

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed May 4, 2011.

The petition under § 1.137(b) is **GRANTED**.

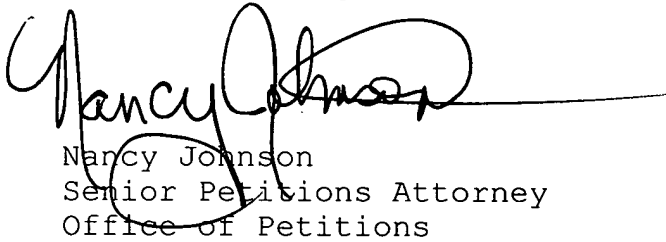
The above-identified application became abandoned effective January 28, 2011 for failure to timely file a response to the final rejection sent October 27, 2010. A courtesy Notice of Abandonment was mailed on May 10, 2011.

The petition includes the required reply in the form of a Notice of Appeal (and payment of the appeal fee, the petition fee and the required statement of unintentional delay. No terminal disclaimer is required. Petitioner has met the requirements for revival pursuant to 37 CFR 1.137(b).

Petitioner is given two (2) months from the mailing date of this decision to file the appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2)). The time period for filing the appeal brief may be extended under 37 CFR 1.136.

Technology Center AU 3765 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center for processing of the Notice of Appeal and to await receipt of the Appeal Brief.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal line extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/7/2011

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/592397 Patent No.: 8041291 B2

CofC mailroom date: 10/27/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

CHARLES N. APPIANI
SUPERVISORY PATENT EXAMINER

Chapple
SPE

2617
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/7/2011

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/592397 Patent No.: 8041291 B2

CofC mailroom date: 10/27/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code COCX.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: _____

Virginia Tolbert

Certificates of Correction Branch

(571) 272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

CHARLES N. APPIANI
SUPERVISORY PATENT EXAMINER

Chappack

SPE

2617

Art Unit



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Alexandria, VA 22313-1450
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**RICHARD A. RYAN
ATTORNEY AT LAW
440 W. FALLBROOK AVENUE
SUITE 104
FRESNO CA 93711**

MAILED
JUL 14 2011
OFFICE OF PETITIONS

In re Application of :
Edward L. Prout Jr. :
Application No. 11/592,440 : **DECISION ON PETITION**
Filed: November 3, 2006 :
Attorney Docket No. RAR709.01 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 28, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before June 15, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed March 15, 2010. Accordingly, the date of abandonment of this application is June 16, 2010. A Notice of Abandonment was mailed on June 30, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly A. Inabinet/

Kimberly A. Inabinet
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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MILLEN, WHITE, ZELANO AND BRANIGAN, P.C.
C/O BERLEX BIOSCIENCES
2200 CLARENDON BOULEVARD, SUITE 1400
ARLINGTON, VA 22201

MAILED

DEC 10 2010

OFFICE OF PETITIONS

In re Application of :
Danja GROSSBACH, et al. :
Application No. 11/592,448 : DECISION GRANTING PETITION
Filed: November 3, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **52225AUSC3** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 7, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 1621 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed declaration/affidavit.

/Monica A. Graves/
Petitions Examiner, Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/592,598	11/03/2006	Alexander Harschack	BJA399A	2811
28184 7590 03/26/2012 BOLESH J. SKUTNIK CERAMOPTEC INDUSTRIES, INC. 515 SHAKER RD. EAST LONGMEADOW, MA 01028			EXAMINER CHENG, WILLIAM C	
			ART UNIT 3769	PAPER NUMBER
			MAIL DATE 03/26/2012	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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BOLESH J. SKUTNIK
CERAMOPTEC INDUSTRIES, INC.
515 SHAKER RD.
EAST LONGMEADOW MA 01028

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In re Application of:
HARSCHACK, ALEXANDER et al
Serial No. 11/592,598
Filed : Nov. 3, 2006
Docket: BJA399A

DECISION ON PETITION
UNDER 37 CFR 1.59

Title: SIDE FIRE OPTICAL FIBER FOR HIGH
POWER APPLICATIONS

This is a decision on the petition and request under 37 CFR 1.59(b), filed October 13, 2011 to expunge information and a duplicate response from the above identified application. The petition fee of \$200.00 set forth in 37 CFR 1.17(g) has been charged to Deposit Account #50-1693 in accordance with the instruction in the petition.

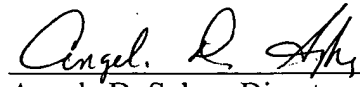
In the petition, the petitioner states that the Information Disclosure Statement and a response to Restriction Requirement filed on May 31, 2011 under EFS ID No. 10178539 were filed inadvertently or unintentionally. The IDS and the response papers bear a wrong serial number 12/127,468. Petitioner requests removal of the inadvertently filed IDS. Petitioner also requests a duplicate extension of time fee \$635.00 was paid.

The petition to expunge duplicate response is **granted**. The requested refund of a duplicate payment \$635.00 is also **granted**.

The USPTO does not remove any papers filed in an application. However, since the applicant has unintentionally filed the duplicate response documents on October 11, 2011, the duplicate response documents have been blocked from public view in the Public Pair system.

Any inquiry regarding this decision should be directed to Henry C. Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION GRANTED



Angela D. Sykes, Director
Technology Center 3700



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

October 13, 2010

Patent No.: 7,805,608 B2
Applicant : Richard T. Chow
Issued : September 28, 2010
For : **USER PRIVACY THROUGH ONE-SIDED COOKIES**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322 .

It is the practice to exclude words such as "A", "IMPROVED", "IMPROVEMENTS IN," "NEW", or "NOVEL" as the first word in the title of the invention. Therefore, no correction is in order here under Rule 1.322.

Therefore, your request in this matter is hereby denied.

Further correspondence concerning this matter should be filed and directed to Decisions and Certificates of Correction Branch.

For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 756-1580

HICKMAN PALERMO TRUONG & BECKER LLP/Yahoo! Inc.
2055 Gateway Place
Suite 550
San Jose CA 95110-1083



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STEVENS LAW GROUP
1754 TECHNOLOGY DRIVE
SUITE #226
SAN JOSE CA 95110

MAILED

FEB 03 2011

OFFICE OF PETITIONS

In re Application of	:	
Cai et al.	:	
Application No. 11/592,799	:	DECISION GRANTING PETITION
Filed: November 3, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. GQLA-00900	:	

This is a decision on the petition, filed March 17, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on October 15, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

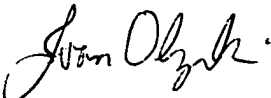
- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date accompanies this decision on petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being forwarded to Technology Center Art Unit 2628 for examination in due course.

A handwritten signature in black ink, appearing to read "Joan Olszewski".

Joan Olszewski
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/592,799	11/03/2006	Mike Cai	GQLA-00900

CONFIRMATION NO. 2228

NONPUBLICATION RESCISSION LETTER



Date Mailed: 02/02/2011

34051
Stevens Law Group
1754 Technology Drive
Suite #226
San Jose, CA 95110

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 05/12/2011.

If applicant rescinded the nonpublication request before or on the date of "foreign filing," then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282.

¹ Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

/jolszewski/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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Stevens Law Group
1754 Technology Drive
Suite #226
San Jose CA 95110

MAILED

JUN 20 2011

OFFICE OF PETITIONS

In re Application of
Mike Cai, et al.
Application No. 11/592,799
Filed: November 3, 2006
Attorney Docket No. GQLA-00900

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of December 16, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is March 17, 2010. The Notice of Abandonment was mailed March 19, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-2991.

This application is being referred to Technology Center AU 2628 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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STOCKWELL & SMEDLEY, PSC
861 CORPORATE DRIVE, SUITE 200
LEXINGTON KY 40503

MAILED

MAR 02 2011

OFFICE OF PETITIONS

In re Application of :
Tom Timmons :
Application No. 11/592,820 : DECISION ON PETITION
Filed: November 4, 2006 :
Attorney Docket No. 923-103 :

This is a decision on the petition under the unavoidable provisions of 37 CFR 1.137(a), filed November 12, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

Any further petition to revive must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application became abandoned for failure to timely pay the issue fee and publication fees on or before October 21, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed July 21, 2010, which set a statutory period for reply of three (3) months. A Notice of Abandonment was mailed on November 3, 2010.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(d). The instant petition lacks item (3).

Petitioner files the above petition and states that "We received on November 8, 2010 a Notice of Abandonment for failing to pay the issue and publication fee in this case.

In reviewing the form we returned for paying these fees, we discovered that our deposit account was not identified on that form.

At that time and at all times since then, our deposit account has had enough money to pay any appropriate fees.

The Issue Fee payment form we returned was done so on August 3, 2010 even though the deadline was October 21, 2010. Our customer number was correctly identified on the form and my registration number is on the form. We believe that the speed at which we submitted the payment form indicated our desire to have this case issued and allowed more than enough time for someone at the USPTO to at least contact us to remedy our oversight. A simple phone call anytime in the two-and-a-half month period after we filed the form that alerted us to the problem would have resolved the issue."

Decisions on reviving abandoned applications have adopted the "reasonably prudent person" standard in determining if the delay in responding to an Office action was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887) (the term "unavoidable" "is applicable to ordinary human affairs, and requires no more or greater care or diligence that is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-515 (D.C. Cir. 1912); and Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141. In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

Further, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or **(2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action.** See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); see also In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

Regrettably, the showing presented is insufficient to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). In this regard, petitioner's failure to provide a deposit account number on the issue fee form on August 3, 2010, is not unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a), since this could have been avoided by the due care and exercise of a prudent and careful person in relation to his most important business. See Ex parte Pratt, supra; and Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

In view of the above, the petition will not be granted under the provisions of 37 CFR 1.137(a).

Petitioner may wish to consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an “unintentionally” abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was “unavoidable.” This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An “unintentional” petition under 37 CFR 1.137(b) must be accompanied by the petition fee pursuant to 37 CFR 1.17(m).

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be delivered through one of the following mediums:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Service Window
 Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By fax: (571) 273-8300
 ATTN: Office of Petitions

By internet: EFS-Web
 www.uspto.gov/ebc/efs_help.html
 (for help using EFS-Web call the
 Patent Electronic Business Center
 at (866) 217-9197)

Any questions concerning this matter may be directed to the undersigned at (571) 272-3208.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



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STOCKWELL & SMEDLEY, PSC
861 CORPORATE DRIVE, SUITE 200
LEXINGTON KY 40503

MAILED

MAR 31 2011

In re Application of	:	OFFICE OF PETITIONS
Tom Timmons	:	
Application No. 11/592,820	:	DECISION ON PETITION
Filed: November 4, 2006	:	
Attorney Docket No. 923-103	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 9, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed July 21, 2010, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to the Office of Data Management to be processed into a patent.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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**GIFFORD, KRASS, SPRINKLE, ANDERSON
& CITKOWSKI, P.C.
PO BOX 7021
TROY MI 48007-7021**

**MAILED
JUL 27 2011
OFFICE OF PETITIONS**

In re Application of :
MOTOSKO :
Application No. 11/592,881 : **DECISION ON PETITION**
Filed: November 6, 2006 :
Docket No. MST-10602/08 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 7, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, December 8, 2009, which set a shortened statutory period for reply of **three (3) months**. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 9, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3633 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: THOMAS E. ANDERSON
GIFFORD, KRASS, SPRINKLE, ANDERSON &
CITKOWSKI, P.C.
2701 TROY CENTER DRIVE, SUITE 330
POST OFFICE BOX 7021
TROY, MI 48007-7021



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October 11, 2011

Shirley L. Church, Esq.
P.O. Box 81146
San Diego, CA 92138

Patent No: 7,846,264 B2
Application No: 11/592,905
Applicant: Xikun Wang, et al.
Issued: December 7, 2010
Title: **CLEANING METHOD USED IN REMOVING CONTAMINANTS FROM A SOLID YTTRIUM
OXIDE-CONTAINING SUBSTRATE**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322/1.323.

The error purported to be in column 3, lines 45 and 46 cannot be found in the printed patent.

In view of the foregoing your request in this matter is hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt

Paper No.: _____

DATE : 3/9/11

TO SPE OF : ART UNIT 2162

SUBJECT : Request for Certificate of Correction for Appl. No.: 11592919 Patent No.: 7747919

CofC mailroom date: 2/25/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

You can fax the CofC response to 571-272-3421

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

John Beebe, SPE AU2162

JUL 12. 2011 4:05PM

NO. 1841 P. 1

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/9/11TO SPE OF : ART UNIT 2162SUBJECT : Request for Certificate of Correction for Appl. No.: 11592919 Patent No.: 7747919CofC mailroom date: 2/25/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Lamonte Newsome

Certificates of Correction Branch
571-272-3421

Thank You For Your Assistance**The request for issuing the above-identified correction(s) is hereby:**

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

[Signature]
JAN 30 2011, SPE AU 2162



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LOUIS WOO
LAW OFFICE OF LOUIS WOO
717 NORTH FAYETTE STREET
ALEXANDRIA, VA 22314

MAILED

AUG 23 2010

In re Patent of Ueki :
Patent No. 7,414,944 :
Issue Date: August 19, 2008 :
Application No. 11/592,979 :
Filing Date: November 6, 2006 :
Attorney Docket No. 0102/0267 :

OFFICE OF PETITIONS

**DECISION ON REQUEST FOR
CERTIFICATE OF CORRECTION**

This letter addresses the "REQUEST FOR CERTIFICATE OF CORRECTION," filed September 29, 2008, and supplemented October 23, 2008. 21, 2010, to the extent the request seeks to change the patent term adjustment from 46 days to 171 days.

The request is dismissed.

Patentee is given **THIRTY (30) DAYS** to respond to this decision. Extensions of time will NOT be granted under 37 C.F.R. § 1.136(a).

As stated in 37 C.F.R. § 1.322, with emphasis added,

The Director may issue a certificate of correction pursuant to 35 U.S.C. 254 to correct a mistake in a patent, incurred through the fault of the Office, *which mistake is clearly disclosed* in the records of the Office.

The alleged mistake is not clearly disclosed in the Office's records. Instead, the patent term adjustment indicated in the patent accurately reflects the patent term adjustment shown in the Office's PAIR system for this application, as well as the initial patent term adjustment mailed with the Notice of Allowance. Therefore, a certificate of correction is inappropriate.

Patentee is advised the procedures set forth in 37 C.F.R. § 1.705 are the proper procedures to be used when a party wishes to dispute the Office's calculation of patent term adjustment, rather than an alleged printing error.

In view of the prior discussion, the request for the certificate of correction is improper and will not be granted to the extent the request seeks to change the number of days of patent term adjustment.

The Certificates of Correction Branch will be informed of the instant decision and will review the portion of the request for a certificate of correction requesting the following language be added to the patent: "This patent is subject to a terminal disclaimer."

Telephone inquiries specific to this decision should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

A handwritten signature in black ink, appearing to read 'C. Brantley', with a stylized flourish at the end.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions



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BACON & THOMAS, PLLC
625 SLATERS LANE
FOURTH FLOOR
ALEXANDRIA VA 22314-1176

MAILED
JUN 21 2011
OFFICE OF PETITIONS

In re Patent No. 7,554,489	:	
Issue Date: 06/30/2009	:	
Application Number: 11/593,071	:	DECISION ON PETITION
Filing or 371(c) Date: 11/06/2006	:	
Attorney Docket Number:	:	
TSAI3193/JJC/KDW	:	

This is a decision on the petition under 37 CFR 1.182, filed on February 11, 2011, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3231. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

A copy of this decision is being faxed to the Office of Data Management for issuance of a duplicate Letters Patent.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Ollie Person
Office of Data Management
Patent Publication Branch
703-756-1555
2800 S. Randolph Street, Room D-30-A (FAX 571-270-9764)

Kimberly Terrell
Office of Data Management
Patent Publication Branch
703-756-1568
2800 S. Randolph Street, Room D-33 (FAX 571-270-9958)



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BROWDY AND NEIMARK, PLLC
1625 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20006

MAILED

JAN 24 2011

OFFICE OF PETITIONS

In re Application of
Yehuda Binder
Application No. 11/593,084
Filed: November 6, 2006
Attorney Docket No. BINDER=15L

ON PETITION

This is a decision on the petition, filed January 21, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 5, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2471 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



UNITED STATES PATENT AND TRADEMARK OFFICE

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BROWDY AND NEIMARK, PLLC
1625 K STREET, NW
SUITE 1100
WASHINGTON, DC 20006

MAILED

AUG 10 2011

OFFICE OF PETITIONS

In re Application of :
Yehuda Binder :
Application No. 11/593,084 : DECISION GRANTING PETITION
Filed: November 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BINDER=15L :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 6, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2471 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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www.uspto.gov

TRASKBRITT, P.C.
P.O. BOX 2550
SALT LAKE CITY UT 84110

MAILED

MAR 25 2011

PCT LEGAL ADMINISTRATION

In re Application of :
BENNER et al. :
Application No.: 11/593,329 : **DECISION**
Attorney Docket No.: 2183.03-5957.1US :
For: TREATMENT OF ISCHEMIC EVENTS :

This decision is in response to applicant's submissions filed in the United States Patent and Trademark Office (USPTO) on October 6, 2009 and August 4, 2010, which have properly been treated as a petition under 37 CFR 1.78(a)(3) and a petition under 37 CFR 1.55(c).

Petition Under 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 4, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application (10/262,522) and to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to the prior-filed international application (PCT/NL01/00259) set forth in the amendment filed concurrently with the instant petition and in the amendment filed October 6, 2009.

The petition is **DISMISSED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and

- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition does not comply with item (1) above.

The benefit claim to international application PCT/NL01/00259 filed March 29, 2001 is not proper because US Application No. 10/262,522 filed September 30, 2002 does not contain the reference required by 37 CFR 1.78(a)(2) to the international application. 37 CFR 1.78(a)(2) specifies that any nonprovisional application claiming the benefit of an international application designating the United States must contain or be amended to contain a reference to the prior-filed application identifying it by “international application number and international filing date” (emphasis added). US Application No. 10/262,522 identifies the prior-filed application by the correct international application number but by the incorrect international filing date. Accordingly, the reference is not in compliance with 37 CFR 1.78(a)(2). See MPEP § 1481.03, item II.B. for correction of 35 U.S.C. § 120 claims in patented applications.

Additionally, “[i]f applicant is claiming the benefit of multiple prior applications, the reference to the prior applications may be in a continuous string of multiple sentences at the beginning of the specification. The multiple sentences must begin as the first sentence after the title, and any additional sentence(s) including a benefit claim must follow the first sentence and not be separated from the first sentence by any other sentence not making a benefit claim.” MPEP § 201.11, item III.D. Here, the multiple sentences are separated by the sentence “[t]he contents of the entirety of all of the foregoing are incorporated by reference.”

Furthermore, the benefit claim fails to identify the “relationship of the applications” between US Application No. 10/262,522 and international application PCT/NL01/00259, as required under 37 CFR 1.78(a)(2)(I). Indication of US Patent 7,365,155 as a continuation of international application PCT/NL01/00259 is not compliant.

The petition also fails to comply with item (3) above. The petition filed August 4, 2010 fails to acknowledge that a petition under 37 CFR 1.78(a)(3) is also required for the relationship (continuation-in-part) between the instant application and 10/262,522. This relationship was first introduced in the amendment filed October 6, 2009, which is after the time period set forth in 37 CFR 1.78(a)(2)(ii).

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, correction of US Patent 7,365,155 to specify the correct international filing date of the prior-filed international application, a renewed petition under 37 CFR 1.78(a)(3) and either an Application Data Sheet or a proper amendment (complying with 37 CFR 1.76(b)(5) or 37 CFR 1.121) to correct the above matters are required. The petition fee has been paid.

Petition Under 37 CFR 1.55(c)

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

- (1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;
- (2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date and be included either in an oath or declaration (37 CFR 1.63(c)(2)) or in an Application Data Sheet (37 CFR 1.76(b)(6));
- (3) the surcharge as set forth in 37 CFR 1.17(t);
- (4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) and the date the claim was filed was unintentional. (The Commissioner may require additional information where there is a question whether the delay was unintentional.); and
- (5) the above-identified nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The above-identified pending nonprovisional application was filed on November 6, 2006, which is after November 29, 2000 and within 12 months of intervening prior-filed PCT Application No. PCT/NL2001/000259, filed March 29, 2001. On September 8, 2010, an executed oath/declaration was received which identifies the foreign application for which priority is claimed by application number, country and filing date. The required petition fee of \$1,410 was received with the petition. Lastly, petitioner has provided an adequate statement of unintentional delay. Nevertheless, the priority claim is not valid and the petition under 37 CFR 1.55(c) cannot be granted until a grantable petition under 37 CFR 1.78(a)(3) to the intervening prior-filed international application and the intervening nonprovisional application have been filed. For the reasons noted above, the petition under 37 CFR 1.78(a)(3) is not grantable.

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT

Application No. 11/593,329

Page 4

Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/Daniel Stemmer/

/Boris Milef/

Daniel Stemmer
PCT Legal Examiner
Office of PCT Legal Administration
Telephone: (571) 272-3301

Boris Milef
PCT Legal Examiner
Office of PCT Legal Administration



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LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

MAILED

MAR 29 2012

OFFICE OF PETITIONS

In re Application of
Mark T. Goddard.
Application No. 11/593,340
Filed: November 6, 2006
Attorney Docket No.: 255253

ON PETITION

This is a decision on the petition filed March 13, 2012 to withdraw the holding of abandonment which is being treated under 37 CFR 1.181.

The petition to withdraw the holding of abandonment is **GRANTED**.

The application was held abandoned on September 26, 2011 for failure to file a timely response to the non-Final Office Action mailed June 23, 2011, which set a three (3) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed February 16, 2012.

Petitioner asserts that a proper response, was filed on November 23, 2011 with a two month extension of time. In support, petitioner submits a copy of the reply and extension of time request said to have been filed, which includes a certificate of mail dated November 23, 2011, pursuant to 37 CFR 1.8.

The evidence submitted corroborates a timely response to the non-Final Office Action. Accordingly, the holding of abandonment is withdrawn and the Notice of Abandonment is vacated. No petition fee is due and none has been charged. The fee for the two month extension of time has been charged to deposit account no. 12-1216.

This matter is being referred to Technology Center 3781 for appropriate action on the response filed November 23, 2011, a copy of which was submitted March 13, 2012 with the instant petition.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions



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NEIL STEINBERG
2300 M STREET, N.W., Suite 800
WASHINGTON DC 20037

MAILED
MAY 19 2011
OFFICE OF PETITIONS

In re Application of	:	
Partridge et al.	:	
Application No.: 11/593404	:	DECISION ON
Filing or 371(c) Date: 11/06/2006	:	PETITION
Attorney Docket Number: SIT1/023-D7	:	

This is a decision in response to the Petition to Withdraw or Vacate Notice of Abandonment (37 CFR 1.181), filed March 30, 2011.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The application as-filed on November 6, 2006, included a preliminary amendment canceling claims 1-30 and adding claims 31-60. The Office mailed a Notice of Omitted Items in a Nonprovisional Application on November 29, 2006, informing applicant that Figure 59L appeared to have been omitted from the application.

In response, on December 11, 2006, applicants filed a Substitute Specification and marked-up version, which did not include the previously-filed preliminary amendment canceling claims 1-30 and adding claims 31-60, but included the original claims, unamended claims.

Also on December 11, 2006, the Office mailed a Withdrawal of Previously Sent Notice, withdrawing the Notice of Omitted Items in a Nonprovisional Application mailed on November 29, 2006, and mailing a Notice to File Corrected Application Papers, requiring replacement drawings.

Applicant filed a response to the Notice to File Corrected Application Papers on December 22, 2006. The response again included a Substitute Specification and marked-up version, and did not include the previously-filed preliminary amendment canceling claims 1-30 and adding claims 31-60, but included the original claims, unamended claims

The Office mailed a Notice of Non-Compliant Amendment on November 30, 2009, informing applicant that the Preliminary Amendment filed on December 11, 2006, was non-compliant in that

did not include a complete listing of all the claims; the listing of claims did not include the text of all pending claims; each claim did not include a proper status identifier, and the original claims were not all canceled and the new claims not added. The Notice set a one (1) month or 30 day period for reply. No reply having been filed, the application became abandoned on December 31, 2006. A Notice of Abandonment was mailed on February 22, 2011.

The present petition

Applicant files the present petition and avers that that the claims filed with the preliminary Amendment on December 11, 2006 were never amended. Applicant avers that it merely responded properly to the Notice of Omitted Items, submitting claims as part of their Substitute Specification and marked-up version, and no canceling of the claims, was required.

Applicable Law, Rules and MPEP

37 CFR 1.135, Abandonment for failure to reply within time period, provides that

- (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
- (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

MPEP 711.03(c)

Analysis and conclusion

Applicant does not aver that a reply to the Notice of Non-Compliant Amendment mailed November 30, 2009, was filed, but asserts now that the Notice was mailed in error. The application became abandoned for failure to timely reply to the Notice of Non-Compliant Amendment, mailed on November 30, 2009.

Applicant is advised that, as provided in the Manual of Patent Examining Procedure,

[w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

Here, there is no dispute as to the sufficiency of the reply, or as to controlling dates. Applicant did not file a complete and proper (including timely) reply to the Notice of Non-Compliant Amendment. With the present petition, applicant addresses the Notice of Non-Compliant Amendment. Applicant's contentions merely involve the cause of abandonment. There is no dispute as to whether the application is abandoned,. A petition to revive the application (and fee) is the appropriate course of action. The holding of abandonment is proper, and will not be withdrawn.

Alternative venue

Applicant is strongly urged to file a petition stating that the delay was unintentional. An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning the Amendment should be directed to the Examiner. Questions regarding this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

NEIL STEINBERG
5335 WISCONSIN AVENUE, NW
SUITE 440
WASHINGTON DC 20015

MAILED

JUL 21 2011

OFFICE OF PETITIONS

In re Application of	:	
Partridge et al.	:	
Application No.: 11/593404	:	DECISION ON
Filing or 371(c) Date: 11/06/2006	:	PETITION
Attorney Docket Number: SITI/023-D7	:	

This is a decision in response to the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b), filed June 8, 2011.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the Notice to File Corrected Application Papers ("Notice"), mailed November 30, 2009. The Notice informed Applicant that a Preliminary Amendment filed December 11, 2006, was non-compliant in that it did not include a complete listing of all the claims; the listing of claims did not include the text of all pending claims; each claim did not include a proper status identifier, and the original claims were not all canceled and the new claims not added. The Notice set a one (1) month or 30 day period for reply. No reply having been filed, the application became abandoned on December 31, 2006. A Notice of Abandonment was mailed on February 22, 2011.

Applicant filed a petition to withdraw the holding of abandonment on March 30, 2011, wherein Applicant averred that the claims filed with the preliminary Amendment on December 11, 2006 were never amended. Applicant avers that it merely responded properly to the Notice of Omitted Items, submitting claims as part of their Substitute Specification and marked-up version, and no canceling of the claims, was required.

The petition to withdraw the holding of abandonment was dismissed in a Decision mailed May 19, 2011. The Decision noted that no reply to the Notice had been filed, and the application was properly held abandoned. A petition to revive the application was required.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (2) the petition fee; and (3) the required statement of unintentional delay have been filed with the present petition. Accordingly, the reply is accepted as having been unintentionally delayed.

This application is being forwarded to the Office of Patent Application Processing for processing of the reply - Applicant's assertion that the claims filed with the preliminary Amendment on December 11, 2006 were never amended, and that Applicant merely responded properly to the Notice of Omitted Items, submitting claims as part of their Substitute Specification and marked-up version, and no canceling of the claims, was required - and for continued processing in the normal course of business.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DW Jan-11

LEONARD TACHNER, A PROFESSIONAL LAW
CORPORATION
17961 SKY PARK CIRCLE, SUITE 38-E
IRVINE CA 92614

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of :
Dean R. Garraffa :
Application Number: 11/593420 :
Filing Date: 11/06/2006 :
Attorney Docket Number: ATOMIC- :
19 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b) filed on November 12, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on January 3, 2010, for failure to timely respond to the non-final Office action mailed on October 2, 2009, which set a three (3)-month statutory period for reply. Notice of Abandonment was mailed on April 21, 2010.

Receipt of the amendment filed on November 12, 2010 is acknowledged.

Receipt of the petition fee is acknowledged.

The application is referred to the Technology Center Art Unit 3772 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions



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AUSTIN RAPP & HARDMAN
170 SOUTH MAIN STREET, SUITE 735
SALT LAKE CITY UT 84101

MAILED

FEB 03 2012

OFFICE OF PETITIONS

In re Application of :
Dean R. Garraffa :
Application No. 11/593,420 : DECISION GRANTING PETITION
Filed: November 6, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 3682.2.11 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 2, 2012, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 2, 2012 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3772 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Ronald J. Rich
6463 Meadowbrook Dr.
Mentor OH 44060

MAILED

SEP 17 2010

In re Application of	:	
Ronald J. Rich	:	OFFICE OF PETITIONS
Application No. 11/593,441	:	DECISION ON PETITION
Filed: November 6, 2006	:	
Attorney Docket No.	:	

This is a decision on the petition, filed May 3, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application was held abandoned for failure to reply to the Office action mailed on June 10, 2009. A Notice of Abandonment was mailed on April 23, 2010.

Petitioner contends that the Notice of Abandonment was mailed in error since a response was filed April 6, 2010. Petitioner also states that he was awaiting the review of the amendment submitted on April 6, 2010. In response to the non-final Office action of June 10, 2009, petitioner filed a response on September 14, 2009, that was after the three (3) month period set for reply in the Office action. No extensions of time were obtained. As a result, the application became abandoned by law, on September 11, 2009. Petitioner's statement concerning his attempts at contacting the examiner and the examiner's supervisor, prior to submitting a response, have been noted. However, a lack of success in these attempts does not relieve the petitioner of his obligation to timely respond to the outstanding Office action of June 10, 2009. As the application has been properly held to have gone abandoned, the instant petition to withdraw the holding of abandonment cannot be granted.

ALTERNATIVE VENUE

Petitioner is strongly encouraged to consider filing a petition under 37 CFR 1.137(b) to revive an unintentionally abandoned application instead of filing a renewed petition under 37 CFR 1.181 or a petition under 37 CFR 1.137(a).

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed. In nonprovisional utility application abandoned for failure to respond to a non-final Office action, the required reply may be met by filing either (A) an argument or amendment under 37 CFR 1.111 or (B) a continuing application under 37 CFR 1.53(b).
- (2) The petition fee as set forth in 37 CFR 1.17(m), **\$810 for a small entity**;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

A form for filing a petition to revive an unintentionally abandoned application accompanies this decision for petitioner's convenience. If petitioner desires to file a petition under 37 CFR 1.137(b) instead of filing a request for reconsideration, petitioner must complete the enclosed petition form (PTO/SB/64) and pay the \$810 petition fee.

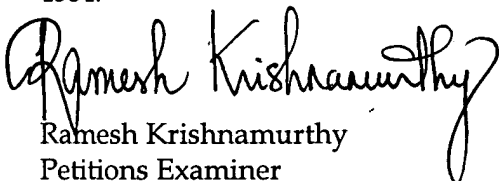
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries related to this decision may be directed to the JoAnne Burke at (571) 272-4584.



Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

Enclosures: Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); Form PTO/SB/64, Privacy Act Statement



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Ronald J. Rich
6463 Meadowbrook Dr.
Mentor OH 44060

MAILED

APR 11 2011

OFFICE OF PETITIONS

In re Application of :
Ronald J. Rich :
Application No. 11/593,441 : **DECISION ON PETITION**
Filed: November 6, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 7, 2011, to revive the above-identified application.


The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed June 10, 2009, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on September 11, 2009.

The petition is hereby **GRANTED**.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3742 for appropriate action by the Examiner in the normal course of business.


JoAnne Burke
Petitions Examiner
Office of Petitions



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MAYER BROWN LLP
P.O. BOX 2828
CHICAGO IL 60690

MAILED

DEC 07 2010

OFFICE OF PETITIONS

In re Application of
Joseph Schwarz et al.
Application No. 11/593,469
Filed: November 7, 2006
Attorney Docket No: 10334812

ON PETITION

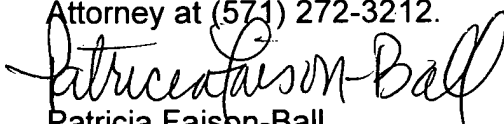
This is a decision on the petition filed November 19, 2010 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed April 14, 2010. A shortened statutory period of three months was set for replying to the non-Final Office Action. No response having been timely filed, this application became abandoned July 15, 2010. Accordingly, a Notice of Abandonment was mailed October 27, 2010.

This matter is being referred to Technology Center 1627 for appropriate action on the amendment filed November 19, 2010.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



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SMARTDRIVE SYSTEMS, INC.
P.O. BOX 757
LA JOLLA CA 92038

MAILED

NOV 17 2011

OFFICE OF PETITIONS

In re Application of
Plante et al.
Application No. 11/593,659
Filed: November 7, 2006
Attorney Docket No. 266.11
For: VEHICLE OPERATOR
PERFORMANCE HISTORY RECORDING,
SCORING AND REPORTING SYSTEMS

ON PETITION

This is a decision on the correspondence, filed August 18, 2011, which is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any reconsideration petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contended that the above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed November 9, 2009, which set an extendable period for reply of three (3) months. Having received no reply, the Office considered the application abandoned on February 10, 2010. A Notice of Abandonment was mailed on August 31, 2010.

Petitioner asserts that a timely response to the November 9, 2009 non-final Office action was mailed to the Office on January 30, 2010. The Office has no record of receiving the reply purportedly mailed on January 30, 2010.

The copy of the reply submitted with the present petition includes a certificate of mailing bearing a January 30, 2010 deposit date. The certificate of mailing lists an amendment and answer as documents being filed in Application No. 11/593,659.

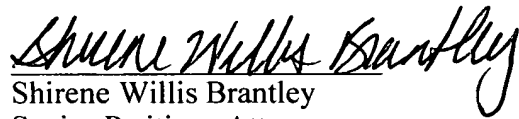
Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

By internet: EFS-Web
www.uspto.gov/ebc/efs_help.html
(for help using EFS-Web call the
Patent Electronic Business Center
at (866) 217-9197)

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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SMARTDRIVE SYSTEMS, INC.
P.O. BOX 757
LA JOLLA CA 92038

MAILED
JAN 09 2012
OFFICE OF PETITIONS

In re Application of :
Plante et al. :
Application No. 11/593,659 : **ON PETITION**
Filed: November 7, 2006 :
Attorney Docket No. 266.11 :
For: VEHICLE OPERATOR PERFORMANCE
HISTORY RECORDING, SCORING AND
REPORTING SYSTEMS

This is a decision on the petition, filed December 6, 2011, under 37 CFR 1.137(b) to revive the above-identified application. In addition, this decision addresses the petition under 37 CFR 1.182, filed December 6, 2011, to expedite the rendering of a decision on the December 6, 2011 petition to revive.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely reply to the non-final Office action, mailed November 9, 2009, which set an extendable period for reply of three (3) months. Having received no reply, the Office considered the application abandoned on February 10, 2010. A Notice of Abandonment was mailed on August 31, 2010.

Applicants have submitted an amendment in reply to the November 9, 2009 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the November 9, 2009 non-final Office action, and the \$930.00 petition fee. All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center AU 3664 for consideration of the amendment filed on August 18, 2011.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Paper No.

SMARTDRIVE SYSTEMS, INC.
P.O. BOX 757
LA JOLLA CA 92038

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SEP 29 2011

OFFICE OF PETITIONS

In re Application of :
Plante et al. :
Application No. 11/593,682 : DECISION ON PETITION
Filed: November 7, 2006 : PURSUANT TO
Attorney Docket No.: 266.12 : 37 C.F.R. § 1.137(B)
Title: POWER MANAGEMENT :
SYSTEMS FOR AUTOMOTIVE VIDEO :
EVENT RECORDERS :

This is a decision on the petition pursuant to 37 C.F.R. § 1.137(b), filed September 20, 2011, to revive the above-identified application.

This petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to file a proper response to the Restriction Requirement, mailed May 12, 2010, which set a shortened statutory period to reply of one month. No response was received, and no extensions of time under the provisions of 37 C.F.R. § 1.136(a) were obtained.

Accordingly, the above-identified application became abandoned on June 13, 2010. A notice of abandonment was mailed on December 21, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;
- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The

Decision on Petition pursuant to 37 C.F.R. § 1.137(b)

Commissioner may require additional information where there is a question whether the delay was unintentional, and;

- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.


With this petition, Petitioner has submitted the petition fee, an election of species, and the proper statement of unintentional delay.

As such, the first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the election of species that was received on September 20, 2011 can be processed in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.



Paul Shanowski
Senior Attorney
Office of Petitions

¹ See Rule 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****

Attorney Docket
Number: **60298-592 PUS1**

Patent Number: **7674098**

Filing Date
(or 371(b) or (f) Date): **11/07/2006**

Issue Date: **03/09/2010**

First Named
Inventor: **Alexander Lifson**

Title: **SCROLL COMPRESSOR WITH VAPOR INJECTION AND UNLOADER PORT**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature **/Theodore W. Olds, III/**

Date **8-30-10**

Name
(Print/Typed) **Theodore W. Olds, III**

Registration Number **33080**

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 09/07/2010

Applicant	: Alexander Lifson	: DECISION ON REQUEST FOR
Patent Number	: 7674098	: RECALCULATION of PATENT
Issue Date	: 03/09/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/593,732	: OF WYETH
Filed	: 11/07/2006	:
		:

The Patentee's Request for Recalculation is **DISMISSED**.

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A) concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/593,747	11/07/2006	Laxmi C. Gupta	POY0008/US	4781
7590 09/23/2010				
KAGAN BINDER, PLLC SUITE 200, MAPLE ISLAND BUILDING 221 MAIN STREET NORTH STILLWATER, MN 55082				
EXAMINER PARKER, FREDERICK JOHN				
ART UNIT		PAPER NUMBER		
1715				
MAIL DATE		DELIVERY MODE		
09/23/2010		PAPER		

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

September 22, 2010

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

In re Application of	:	
Laxmi C. Gupta	:	DECISION ON PETITION
Application No. 11593747	:	
Filed: 11/07/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. POY0008/US	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 7, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

Note: Only one set of drawings is required when petition is filed via EFS WEB.

The petition was accompanied by all of the requirements above. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Kimberly Terrell/
Manager
Office of Data Management
Publications Branch



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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON, DC 20006

MAILED
AUG 17 2010
OFFICE OF PETITIONS

In re Application of :
Frano Luburic :
Application No. 11/593,928 :
Filed: November 7, 2006 :
Attorney Docket No. 30027.029/CPC1 :

ON PETITION

This is a decision on the petition, filed August 16, 2010 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on July 16, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3781 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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Choate, Hall & Stewart LLP
Two International Place
Boston, MA 02110

MAILED

OCT 07 2011

OFFICE OF PETITIONS

:
: **DECISION**
: **ON**
: **PETITIONS**
:
:

Application No.: 11/593,957

Patent No.: 7,700,302

Issued: April 20, 2010

Title: METHOD FOR GENERATING AND SELECTING
ANTIBODIES AGAINST TARGET PROTEIN

Attorney's Docket No.: 2009186-0047

This is a decision on the following petitions filed on July 5, 2011:

1. Petition paper entitled, "PETITION UNDER 37 CFR 1.59(b) TO EXPUNGE INFORMATION SUBMITTED UNDER MPEP § 724.02 AND/OR INFORMATION UNINTENTIONALLY SUBMITTED IN AN APPLICATION" ("petition under 37 CFR 1.59").
2. Petition paper entitled, "PETITION UNDER 37 CFR § 1.183 AND/OR SUBMISSION UNDER 37 CFR § 1.217(d)" ("petition under 37 CFR 1.183").
3. Petition paper entitled, "PETITION UNDER 37 CFR 1.182 FOR QUESTIONS NOT SPECIFICALLY PROVIDED FOR" ("petition under 37 CFR 1.182").

DECISION

I. Relevant Statutes, Regulations and Procedures

37 CFR 1.59 provides in-part (emphasis added):

(a)(1) Information in an application will not be expunged, except as provided in paragraph (b) of this section or § 41.7(a) of this title.

(b) An applicant may request that the Office expunge information, other than what is excluded by paragraph (a)(2) of this section, by filing a petition under this paragraph. Any petition to expunge information from an application must include the fee set forth in § 1.17(g) and establish to the satisfaction of the Director that the expungement of the information is appropriate in which case a notice granting the petition for expungement will be provided.

37 CFR 1.182 provides:

All situations not specifically provided for in the regulations of this part will be decided in accordance with the merits of each situation by or under the authority of the Director, subject to such other requirements as may be imposed, and such decision will be communicated to the interested parties in writing. Any petition seeking a decision under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 CFR 1.183 provides:

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, sua sponte, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

37 CFR 1.217 provides in-part (emphasis added):

(a) If an applicant has filed applications in one or more foreign countries, directly or through a multilateral international agreement, and such foreign-filed applications or the description of the invention in such foreign-filed applications is less extensive than the application or description of the invention in the application filed in the Office, the applicant may submit a redacted copy of the application filed in the Office for publication, eliminating any part or description of the invention that is not also contained in any of the corresponding applications filed in a foreign country. The Office will publish the application as provided in § 1.215(a) unless the applicant files a redacted copy of the application in compliance with this section within sixteen months after the earliest filing date for which a benefit is sought under title 35, United States Code.

II. Petition Under 37 CFR 1.182

In the petition under 37 CFR 1.182, the petitioner requests expedited review of (1) the petition under 37 CFR 1.59 and (2) the petition under 37 CFR 1.183.¹ In view of the facts and circumstances of the instant case the request for expedited review is granted and a decision on the petitions is set forth below.

III. Petition Under 37 CFR 1.59

In the petition under 37 CFR 1.59, the petitioner requests expungement of information contained in Schedule A pursuant to either MPEP § 724.05(I) or MPEP § 724.05(II).²

¹ See petition under 37 CFR 1.182 at page 1.

² See petition under 37 CFR 1.59 at pages 1-2.

A. Expungement Under MPEP § 724.05(I)

Under MPEP § 724.05(I), a petition under 37 CFR 1.59(b) to expunge information submitted under MPEP § 724.02, or that should have been submitted under MPEP § 724.02 will be entertained only if the petition fee (37 CFR 1.17(g)) is filed and the information has been found not to be material to patentability. Further, a petition under 37 CFR 1.59(b) to expunge information must contain: (a) a clear identification of the information to be expunged without disclosure of the details thereof, (b) a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public, (c) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted, (d) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information and (e) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).

In the instant case, the petitioner makes a clear identification of the information to be expunged without disclosure of the details thereof by arguing for expungement of Schedule A filed on May 16, 2011.³ The petitioner also provides, (1) a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted, (2) a statement that the petition to expunge is being submitted by, or on behalf of, the party in interest who originally submitted the information and (3) the fee as set forth in 37 CFR 1.17(g) for a petition under 37 CFR 1.59(b).⁴ However, the petitioner fails to provide a clear statement that the information to be expunged is trade secret material, proprietary material, and/or subject to a protective order, and that the information has not been otherwise made public. A cursory review of Schedule A reveals that at least some of the items listed are available to the public.⁵ The petitioner should make a comprehensive review of each item listed in Schedule A in order to ensure that the information to be expunged is actually trade secret material, proprietary material, and/or subject to a protective order, and that the information is not otherwise available to the public. Since, the petitioner has failed to make such an accounting, the request for expungement under MPEP § 724.05(I) is dismissed.

Any renewed petition for expungement must provide (1) the application number in Schedule A and (2) a statement explaining why information associated with that application number (as described in Schedule A) is trade secret material, proprietary material, and/or subject to a protective order, and that the information is not otherwise available to the public.⁶ Additionally, expungement of schedule A may not be possible because the May 16, 2011 power of attorney requires Schedule A and expungement would lead to a defective power of attorney. Petitioner is advised to remedy the power of

³ See *id.* at page 1.

⁴ See *id.* at page 2.

⁵ For example, information provided in schedule A for application No. 09/703,399 is made available to the public.

⁶ See MPEP § 103 (discussing several ways an application can be made available to the public).

attorney by filing a new power of attorney (without reference to Schedule A) with any renewed petition for expungement. Finally, the petitioner's request for expungement of (1) the petition under 37 CFR 1.59, (2) the Office's decision to the petition under 1.59, (3) the petition under 37 CFR 1.183 and (4) the Office's Decision on the petition under 37 CFR 1.183 cannot be granted because those items are considered part of the file history and *cannot* be expunged.

B. Expungement Under MPEP § 724.05(II)

Under MPEP § 724.05(II), a petition to expunge information unintentionally submitted in an application (other than information forming part of the original disclosure) may be filed under 37 CFR 1.59(b), provided that: (a) the Office can effect such return prior to the issuance of any patent on the application in issue, (b) it is stated that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, (c) the information has not otherwise been made public, (d) there is a commitment on the part of the petitioner to retain such information for the period of any patent with regard to which such information is submitted, (e) it is established to the satisfaction of the Director that the information to be returned is not material information under 37 CFR 1.56 and (f) the petition fee as set forth in 37 CFR 1.17(g) is included.

In the instant case the application has issued to a patent so MPEP § 724.05(II) is inapplicable.⁷ Hence, the request for expungement under MPEP § 724.05(II) is dismissed.

IV. Petition Under 37 CFR 1.183

In the petition under 37 CFR 1.183, the petitioner requests (1) waiver of 37 CFR 1.59 so as to expand the rule's reach beyond an application file into a patent file and (2) redaction of Schedule A pursuant to 37 CFR 1.217(d).⁸

In an extraordinary situation, when justice requires, any requirement of the regulations which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee. In view of the facts and circumstances of the instant case, the petitioner's request for expansion of 37 CFR 1.59 from an application file to a patent file is granted to the extent of enabling the petitioner to satisfy the requirements set forth in MPEP § 724.05(I). Since, the petition under 37 CFR 1.59 has not been granted (for reasons set forth above), the petitioner may file a renewed petition under 37 CFR 1.59 in view of MPEP § 724.05(I).

The petitioner's request for redaction of Schedule A pursuant to 37 CFR 1.217(d) is dismissed because 37 CFR 1.217(d) applies to an application with a redacted pre-grant


⁷ Further, the petitioner has not made any showing with respect to irreparable harm.

⁸ See petition under 37 CFR 1.183 at pages 1-2.

publication and is not relevant once the application issues as a patent. In sum, the petition under 37 CFR 1.183 is granted-in-part.

CONCLUSION

1. The petition under 37 CFR 1.182 is granted for the reasons set forth above.
2. The petition under 37 CFR 1.59 is dismissed for the reasons set forth above.
3. The petition under 37 CFR 1.183 is granted-in-part for the reasons set forth above.
4. Telephone inquiries regarding this communication should be directed to Brian E. Hanlon at (571) 272-5047.



Brian E. Hanlon

Director

Office of Patent Legal Administration

Office of the Associate Commissioner
for Patent Examination Policy



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Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of	:	
SALLAM, Ahmed	:	
Application No. 11/594,095	:	DECISION ON PETITION
Filed: November 08, 2006	:	TO WITHDRAW
Attorney Docket No. NAI1P684/06.060.01	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2011.

The request is **Moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Zilka-Kotab, PC has been revoked by the assignee of the patent application on March 02, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PATENT CAPITAL GROUP
6119 MCCOMMAS BLVD
DALLAS TX 75214**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,106	11/08/2006	Suwas Nikumb	11879-1	5047
25277 7590 08/11/2010 NATIONAL RESEARCH COUNCIL OF CANADA 1200 Montreal Road, Building M-58 Room EG-12 OTTAWA, ON K1A 0R6 CANADA			EXAMINER SELLS, JAMES D	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 08/11/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

nrcippm.general@nrc-cnrc.gc.ca



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Commissioner for Patents
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Alexandria, VA 22313-1450
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wk

Mailed:

In re application of
Nikumb et al.

Serial No. 11/594,106

Filed: November 8, 2006

For: APPARATUS AND PROCESS FOR STACKING
PIECES OF MATERIAL

AUG 11 2010

:
:
: DECISION ON
: PETITION

This is a decision on the PETITION FILED UNDER 37 CFR 1.181 on June 22, 2010 to remove the Finality of the Office Action dated June 9, 2010.

The Office Action of June 9, 2010 cited a new prior art and raised a new obviousness rejection. The Examiner stated that Applicants' amendment necessitated the new grounds of rejection. Applicants assert that the remarks made in the response dated March 8, 2010 are completely pertinent to the newly cited prior art and the Examiner has not provided any reasons why those remarks do not overcome the newly cite prior art.

A review of the record shows that Applicants amended the base claim to have the additional limitation "an assembly region having a closed bottom on which the pieces of material rest". Applicants made the amendment to overcome the cited art of record (Recchia Jr). The Examiner initially made a 35 USC 102 rejection. Applicants' amendment necessitated the withdrawal of the 35 USC 102 rejections and the introduction of a rejection under 35 USC 103. It is not clear how Applicants remarks addressing the 35 USC 102 rejections could be considered pertinent to the newly cited art since the art was not of record at the time.

An invention that would have been obvious to a person of ordinary skill at the time of the invention is not patentable. See 35 U.S.C. 103(a). As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. Once Office personnel have established the *Graham* factual findings and concluded that the claimed invention would have been obvious, the burden then shifts to the applicant to (A) show that the Office erred in these findings or (B) provide other evidence to show that the claimed subject matter would have been nonobvious. 37 CFR 1.111(b) requires applicant too distinctly and specifically point out the supposed errors in the Office's action and reply to every ground of objection and rejection in the Office action. The reply must present arguments pointing out the specific distinction believed to render the claims patentable over any applied references.

If an Applicant disagrees with any factual findings by the Office, an effective traverse of a rejection based wholly or partially on such findings must include a reasoned statement explaining why the Applicant believes the Office has erred substantively as to the factual findings. A mere statement or argument that the Office has not established a *prima facie* case of obviousness or that the Office's

reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b).

Under present practice, second or any subsequent actions on the merits shall be final, except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims, nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Once a final rejection that is not premature has been entered in an application, Applicant no longer has any right to unrestricted further prosecution. This does not mean that no further amendment or argument will be considered. Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered.

A review of the record indicates that the amendment filed by Applicants necessitated the 35 USC 103 rejection and the withdrawal of the 35 USC 102 rejection. Applicants' amendment necessitated the new ground(s) of rejection presented in this Office action.

DECISION

The petition is **DENIED**.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

Hans Koenig
NATIONAL RESEARCH COUNCIL OF CANADA
1200 Montreal Road, Building M-58 Room EG-12
OTTAWA ON K1A 0R6 CA CANADA



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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

MAILED

DEC 03 2010

OFFICE OF PETITIONS

In re Application of: :
Yousuke Ohashi :
Application No. 11/594,127 : **DECISION ON PETITION**
Filed: November 8, 2006 :
Attorney Docket No. KP-10904 :

This is a decision on the petition, filed October 19, 2010, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision should be filed within two (2) months from the mail date of this decision. *Note* 37 CFR 1.181(f). The request for reconsideration should include a cover letter and be entitled as a "Renewed Petition under 37 CFR 1.181 to Withdraw the Holding of Abandonment."

This application was held abandoned for failure to reply in a timely manner to the Office action mailed February 26, 2010.

Petitioner asserts that the Office action dated February 26, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner at the correspondence address of record;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and

3. a copy of the docket record where the non-received Office action would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

The petition lacks item (3) above, the copy of the docket report submitted with the petition does not include evidence of nonreceipt for the month that the Office action was mailed.

Petitioner is reminded that a copy of the practitioner's record(s) are required to show non-receipt of the Office action from the mail date of that nonreceived Office action on the master for a date of three months.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By Hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions.
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

By Facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VA 22182-3817

MAILED

MAR 23 2011

OFFICE OF PETITIONS

In re Application of: :
Yousuke Ohashi :
Application No. 11/594,127 : **DECISION ON PETITION**
Filed: November 8, 2006 :
Attorney Docket No. KP-10904 :

This is a decision on the renewed petition, filed February 3, 2011, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to reply in a timely manner to the Restriction Requirement mailed February 26, 2010, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A Notice of Abandonment was mailed September 27, 2010.

Petitioner asserts that the Office action dated February 26, 2010, was not received.

A review of the written record indicates no irregularity in the mailing of the Office action and in the absence of any irregularity, there is a strong presumption that the Office action was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. In this regard, the showing required to establish the failure to receive the Office action must consist of the following:

1. a statement from practitioner stating that the Office action was not received by the practitioner at the correspondence address of record;
2. a statement from the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Notice was not received; and
3. a copy of the docket record where the non-received Office action would have been entered and docketed had it been received must be attached to and referenced in the practitioner's statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).

The petition satisfies the above-stated requirements. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

This application is being referred to the Technology Center technical support staff of Art Unit 2624 for re-mailing the Office action of February 26, 2010. The period for reply will run from the mailing date of the Office action.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

/Carl Friedman/
Carl Friedman
Petitions Examiner
Office of Petitions



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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Patent No. 7,976,956 :
Issue Date: July 12, 2011 :
Application No. 11/594,134 :
Filed: November 8, 2006 :
Attorney Docket No. 1774-0120PUS2 :

ON PETITION

This is a decision on the petition filed January 10, 2012, which is being treated as a request under 37 CFR 3.81(b)¹ to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Charlema Grant
Attorney Advisor
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

February 14, 2011

Michael D. Specht
Sterne, Kessler, Goldstein & Fox P.L.L.C.
1100 New York Avenue, NW
Washington, DC 20005-3934

Patent No: RE41,496 E
Application No: 11/594,221
Applicant: David L. Simpson, et al.
Issued: August 10, 2010
Title: **BOUNDARY-SCAN INPUT CIRCUIT FOR A RESET PIN**

Request for Certificate of Correction:

Consideration has been given to your request for the issuance of a certificate of correction for the above- identified patent under the provisions of Rule 1.322.

The word inverse, purported to be in column 8, line 47, cannot be found in the printed patent.

In view of the foregoing your request in these matters are hereby **denied**.

Further correspondence concerning this matter should be directed to Decisions and Certificate of Correction Branch.

/Virginia Tolbert/
Virginia Tolbert
For Mary Diggs, Supervisor
Decisions and Certificate of Correction
(571) 272-0460

vt



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE of Data Management

Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

JUN 21 2011

In re Application of
CORREA, CARLOS et al.
Application No. 11/594,290
Filed: November 8, 2006
Attorney Docket No.: PD050103

:
:
:
:

DECISION ON PETITION

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on June 16, 2011.

The petition is **GRANTED**.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed February 9, 2011. The Notice of Abandonment, mailed on May 25, 2011 in error.

The Office acknowledges receipt of Part B – Fee(s) Transmittal via facsimile transmission on April 1, 2011 authorizing that the Issue Fee be charged to Deposit Account No. 07-0832. On April 1, 2011 when an attempt was made to charge the fees, it was mistakenly credited from the wrong deposit account.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquires concerning this decision matter may be directed to the undersigned at (703) 756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper No.

HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,625,896 : DECISION ON REQUEST
Kling et al. : FOR
Issue Date: December 1, 2009 : RECONSIDERATION OF
Application No. 11/594,297 : PATENT TERM ADJUSTMENT
Filed: November 8, 2006 : and
Atty Docket No. 23444 : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 27, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by at least thirty-seven (37) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by thirty-seven (37) days is **GRANTED**.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **thirty-seven (37) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson", with a long horizontal flourish extending to the right.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,625,896 B2

DATED : December 1, 2009

DRAFT

INVENTOR(S) : Kling et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 23 days

Delete the phrase "by 23 days" and insert – by 37 days--

Application/Control Number: 11/594,324

Page 2

Art Unit: 1638

Paper No.: _____

DATE : 2/14/12

TO SPE OF : ART UNIT: 1638

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/594,324 Patent No.
7,968,767

CofC mailroom
date 8/29/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Ernest C. White, LIE

Certificates of Correction

Branch

703-756-

1814 _____

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

Application/Control Number: 11/594,324
Art Unit: 1638

Page 3

XApproved

All changes apply.

☐ **Approved in Part**
which changes **do not** apply.

Specify below

☐ **Denied**
denial below.

State the reasons for

Comments: _____

/Anne Marie Grunberg/
SPE, Art Unit 1638



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Clark & Elbing LLP/Zalicus
101 Federal Street
Boston MA 02110

MAILED
MAR 05 2012
OFFICE OF PETITIONS

In re Application of	:	
Chappell et al.	:	DECISION ON
Patent Number: 8,067,433	:	APPLICATION FOR
Issue Date: 11/29/2011	:	PATENT TERM ADJUSTMENT
Application No. 11/594428	:	and
Filing or 371(c) Date: 11/08/2006	:	NOTICE OF INTENT TO ISSUE
Attorney Docket Number: 50164/137001	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 30, 2012, which is being treated as a petition under 37 CFR 1.705(d), requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by nine hundred fifty-six (956) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by nine hundred fifty-six (956) days is **GRANTED**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **nine hundred fifty-six (956) days**.

Patent No. 8,067,433

Application No. 11/594428

Page 2

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 8,067,433 B2

DATED : November 29, 2011

INVENTOR(S) : Chappell et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 916 days.

Delete the phrase "by 916 days" and insert – by 956 days--



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/594,455	11/08/2006	Su-Chun Zhang	960296.00430	5614

EXAMINER	
NGUYEN, QUANG	

ART UNIT	PAPER NUMBER
1633	

NOTIFICATION DATE	DELIVERY MODE
06/01/2011	ELECTRONIC

7590 06/01/2011
QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE, SUITE 2040
MILWAUKEE, WI 53202-4497

ACKNOWLEDGEMENT OF REQUEST

Notice of Allowance/Allowability Mailed

The request to print a color drawing reference as the first paragraph in the portion of the specification containing a brief description of the drawings as required by 37 CFR 1.84 and MPEP § 608.02 has been received by the United States Patent and Trademark Office and will be entered into the specification.

571-272-4200 or 1-888-786-0101
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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www.uspto.gov

May 29, 2011

QUARLES & BRADY LLP
411 E. WISCONSIN AVENUE, SUITE 2040
MILWAUKEE WI 53202-4497

In re Application of	:	
Su-Chun Zhang et al.	:	DECISION ON PETITION
Application No. 11594455	:	
Filed: 11/08/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. 960296.00430	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 8, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Laura Feldman/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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www.uspto.gov

C. Dale Quisenberry
Suite 920
6750 West Loop South
Bellaire TX 77401

MAILED

SEP 20 2010

OFFICE OF PETITIONS

In re Application of :
Lonnie Cox :
Application No. 11/594,474 : **DECISION ON PETITION**
Filed: November 8, 2006 :
Attorney Docket No. 2695.002 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 15, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability mailed on February 23, 2010, which set a period for reply of three (3) months. Accordingly, the application became abandoned on May 24, 2010. A Notice of Abandonment was mailed on July 2, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the corrected drawings are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Office of Data Management for further processing into a patent.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20100803

DATE : August 3, 2010

TO SPE OF : ART UNIT 3725

SUBJECT : Request for Certificate of Correction on Patent No.: 7690402

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Per message in e-dan to respond to Certificate of Correction.

SPE: Dana Ross

Art Unit 3725



UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MARGARET ANDERSON
106 E. 6TH STREET, SUITE 900
AUSTIN TX 78701

MAILED
MAR 02 2011
OFFICE OF PETITIONS

In re Application of	:	
Levien et al.	:	DECISION ON PETITION
Application No. 11/594,695	:	TO WITHDRAW
Filed: November 7, 2006	:	FROM RECORD
Attorney Docket No. QQ1-0033US	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 24, 2011.

The request is **NOT APPROVED**.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71*, or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

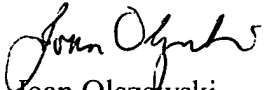
An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.

According to a review of current USPTO records petitioner has not requested the address be changed to a properly recorded assignee or the first listed inventor. The Customer Number 55922 is neither the first named inventor nor the assignee who properly became of record under 37 CFR 3.71. As such, all future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Further, the address given on the petition differs from the address of record. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Currently, there is an outstanding Office action mailed February 22, 2011 that requires a reply.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

A handwritten signature in black ink, appearing to read "Joan Olszewski", is written over the printed name.

Joan Olszewski
Petitions Examiner
Office of Petitions

cc: LEE & HAYES, PLLC
601 W RIVERSIDE
SUITE 1400
SPOKANE, WA 99201



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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

SEP 20 2010

In re Application of	:	OFFICE OF PETITIONS
Kazunari Imamoto, et al.	:	
Application No. 11/594,796	:	ON PETITION
Filed: November 9, 2006	:	
Attorney Docket No. 007324-0358555	:	

This is a decision on the petition under 37 CFR 1.313(a), filed September 8, 2010, to withdraw the above-identified application from issue.

The petition is **DISMISSED**.

Petitioner requests that the present application be withdrawn from issue for consideration of an petition under 37 CFR 1.78(a) to correct the unintentionally delayed claim for late priority filed September 8, 2010.

37 CFR 1.313(a) states, in part:

Applications may be withdrawn from issue for further action at the initiative of the Office or upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.

As such, a grantable petition requesting withdrawal of an application from issue must be accompanied by: (1) a showing of good and sufficient reasons why withdrawal of the application from issue is necessary; and (2) the requisite petition fee under 37 CFR 1.17(h). The petition fee of \$130 has been charged to petitioner's deposit account.

However, the petition does not set forth good and sufficient reasons as to why withdrawal of the application from issue is necessary. The mere submission of a petition filed under 37 CFR 1.78(a) with the petition does not make withdrawal of the application from issue necessary. There are other avenues open to applicant to have the petition for unintentionally delayed claim for late priority considered other than by way of petition to withdraw from issue.

Following the part of 37 CFR 1.313(a) cited above, 37 CFR 1.313(a) goes on to state:

A petition under this section is not required if a request for continued examination under § 1.114 is filed prior to payment of the issue fee.

The filing of a request for continued examination (RCE) under 37 CFR 1.114 with a submission and the fee set forth in 37 CFR 1.17(e) would have been a proper available option to have the petition under 37 CFR 1.78(a) to correct the unintentionally delayed claim for late priority. considered. It is well documented that an IDS satisfies the submission requirement under 37 CFR 1.114. *See* MPEP 706.07(h)(II).

For the above reasons, this application will not be withdrawn from issue under the provisions of 37 CFR 1.313(a).

While it is noted that the present petition to withdraw from issue was timely filed, however the petition was not treated prior to the issue fee being due in this application.

Petitioner is reminded that the mere filing of a petition to withdraw from issue does not stay the period for paying the fees required by the Notice of Allowance and Fee(s) Due. Unless an applicant receives a written communication from the Office that the application has been withdrawn from issue, the issue and publication fees must be timely submitted to avoid abandonment. Note MPEP § 1308(I)(A).

Petitioner is also advised, that while petitions to withdraw from issue may be electronically filed via EFS Web to the Commissioner for Patents, as was done in this case, applicants are cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. See MPEP § 1308

Before the petition filed under 37 CFR 1.78 can be considered the petitioner must file a petition under 37 CFR 1.137(b) to revive the application.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642.

This matter is being referred back to the Office of Data Management.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN, VA 22102

MAILED
DEC 16 2010
OFFICE OF PETITIONS

In re Application of :
Kazunari Imamoto, et al. :
Application No. 11/594,796 : **ON PETITION**
Filed: November 9, 2006 :
Attorney Docket No. 007324-0358555 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure s to timely pay the issue and publication fees on or before September 14, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 14, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) 1.

The application became abandoned for failure to timely pay the issue and publication fee. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. See MPEP 711.03(c)(II)(A)(1). Therefore, the filing of a Request for Continued Examination is not a proper reply under 37 CFR 1.137(a)(1) or (b)(1).

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being

mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

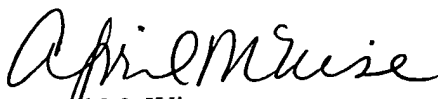
Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.


April M. Wise
Petitions Examiner
Office of Petitions

cc: E. RICO HERNANDEZ
 1650 TYSONS BOULEVARD
 MCLEAN, VA 22102-4856



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED
FEB 28 2011
OFFICE OF PETITIONS

In re Application of	:	
Kazunari Imamoto, et al.	:	
Application No. 11/594,796	:	ON PETITION
Filed: November 9, 2006	:	
Attorney Docket No. 007324-0358555	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 27, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before September 14, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 14, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on September 15, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$810, and the submission required by 37 CFR 1.114; (2) the petition fee of \$1620; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to the Office of Patent Legal Administration for the processing of the petition filed September 28, 2010. Telephone inquiries related to the petition filed under 37 CFR 1.78 for the correction of unintentionally delayed claim for 35 USC 365 benefit should be directed to the Office of Patent Legal Administration at their hotline 571-272-4300.

Upon completion of the petition September 28, 2010, this application will be referred back to the Technology Center AU 3742 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

A handwritten signature in cursive script, appearing to read "April M. Wise".

April M. Wise
Petitions Examiner
Office of Petitions



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Commissioner for Patents
United States Patent and Trademark Office
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PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

MAILED

JUN 17 2011

PCT LEGAL ADMINISTRATION

In re Application of
Imamoto et al.
Application No. 11/594,796
Filed: November 9, 2006
Attorney Docket No. 007324-0358555
For: Heating Cooker

:
:
: DECISION ON PETITION
:
: UNDER 37 CFR 1.78(a)(3)
:
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed 27 January 2011, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application set forth in the amendment filed on 27 January 2011.

The petition is **GRANTED**.

The present nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the

petition contains an acceptable statement of unintentional delay. 37 CFR 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement contained in the petition varies from the required language, the statement will be construed as the statement required by 37 CFR 1.78(a)(3). Petitioner must notify the Office if this is not a correct reading of the statement appearing in the petition. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether this application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to Technology Center Art Unit 3742 for appropriate action on the amendment filed January 27, 2011, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

/George Dombroske/
George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283

/Bryan Lin/
Bryan Lin
PCT Legal Examiner
Office of PCT Legal Administration

Application No. 11/594,796

Page 3

ATTACHMENT: Corrected Filing Receipt

Application No. 11/594,796

Page 3

ATTACHMENT: Corrected Filing Receipt

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/140 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION TO WITHDRAW AN APPLICATION FROM ISSUE AFTER PAYMENT OF THE ISSUE FEE UNDER 37 CFR 1.313(c)	
Application Number	11594932	
Filing Date	09-Nov-2006	
First Named Inventor	Shinichi Nakamura	
Art Unit	1717	
Examiner Name	YEWEBDAR TADESSE	
Attorney Docket Number	114458.05	
Title	ELECTRO OPTICAL DEVICE AND COLOR FILTER MANUFACTURED BY LIQUID DROP DISCHARGE APPARATUS	
<p>An application may be withdrawn from issue for further action upon petition by the applicant. To request that the Office withdraw an application from issue, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why withdrawal of the application from issue is necessary.</p> <p>APPLICANT HEREBY PETITIONS TO WITHDRAW THIS APPLICATION FROM ISSUE UNDER 37 CFR 1.313(c).</p> <p>A grantable petition requires the following items:</p> <p>(1) Petition fee; and</p> <p>(2) One of the following reasons:</p> <p>(a) Unpatentability of one or more claims, which must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable;</p> <p>(b) Consideration of a request for continued examination in compliance with § 1.114 (for a utility or plant application only); or</p> <p>(c) Express abandonment of the application. Such express abandonment may be in favor of a continuing application, but not a CPA under 37 CFR 1.53(d).</p>		
<p>Petition Fee</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY</p>		
Reason for withdrawal from issue		

- ☐ One or more claims are unpatentable
- ☒ Consideration of a request for continued examination (RCE) (List of Required Documents and Fees)
- ☐ Applicant hereby expressly abandons the instant application (any attorney/agent signing for this reason must have power of attorney pursuant to 37 CFR 1.32(b)).

RCE request, submission, and fee.

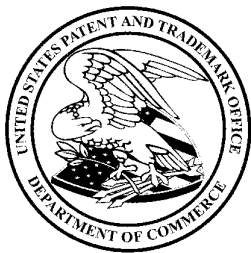
- ☐ I certify, in accordance with 37 CFR 1.4(d)(4) that:
- ☐ The RCE request, submission, and fee have already been filed in the above-identified application on
- ☒ Are attached.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors
- ☐ A joint inventor; all of whom are signing this e-petition
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71

Signature	/James A. Oliff/
Name	James A. Oliff
Registration Number	27075



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : September 9, 2011

In re Application of :

Shinichi Nakamura

DECISION ON PETITION

UNDER CFR 1.313(c)(2)

Application No : 11594932

Filed : 09-Nov-2006

Attorney Docket No : 114458.05

This is an electronic decision on the petition under 37 CFR 1.313(c)(2), filed September 9, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid in this application cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being referred to Technology Center AU 1717 for processing of the request for continuing examination under 37 CFR 1.114.

Office of Petitions



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Dickinson Wright PLLC
James E. Ledbetter, Esq.
International Square
1875 Eye Street, N.W., Suite 1200
Washington DC 20006

MAILED

AUG 31 2010

OFFICE OF PETITIONS

In re Application of :
Koga et al. :
Application No.: 11/594978 : **ON PETITION**
Filing or 371(c) Date: 11/09/2006 :
Attorney Docket Number: L8612.06140 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 13, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Accordingly, the date of abandonment of this application is April 29, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee (filed March 15, 2010), and the submission required by 37 CFR 1.114 (filed with the present petition); (2) the petition fee; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3232.

This application is being referred to Technology Center AU 2465 for processing of the RCE, and for appropriate action on the amendment by the Examiner in the normal course of business.

/DLW/

Derek L. Woods
Attorney
Office of Petitions



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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

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JAN 19 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Corinna Sundermann et al :
Application No. 11/595,003 :
Filed: November 9, 2006 :
Attorney Docket No. 029310.58327US :

This is a decision on the petition, filed January 18, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 20, 2010 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).



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SEP 20 2010

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PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO, IL 60680

In re Application of
Gerald P. Jackson
Application No. 11/595,100
Filed: November 9, 2006
For: PRODUCING A DESIGN FOR A
NUCLEAR FUEL ELEMENT

:
:
: DECISION ON PETITION
: TO REVIEW RESTRICTION
: REQUIREMENT UNDER
: 37 CFR § 1.144

This is in response to applicant's petition filed under 37 CFR 1.144 received August 4, 2010 requesting a review of the requirement for restriction made final in the May 5, 2009 Office action.

The petition is **GRANTED**.

The record indicates that the examiner made a requirement for restriction between the following groups of inventions:

- I. a process of producing a design for a nuclear fuel element, classified in class 376, subclass 251;
- II. a process of measuring fission daughter migration out of nuclear fuel elements, classified in class 376, subclass 253;
- III. a fuel element produced from the process of invention I, classified in class 376, subclass 409;
- IV. a fuel element produced from the process of invention II, classified in class 376, subclass 409;
- V. an apparatus carrying out the processes of inventions I and II, classified in class 376, subclass 154.

Applicant elected with traverse in the response received February 19, 2009. The examiner, upon reconsideration, adhered to the restriction requirement and made the requirement final in the Office action mailed May 5, 2009.

Decision on Petition

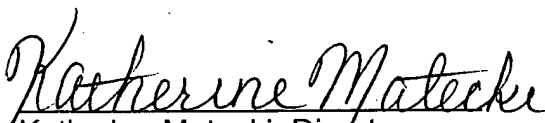
In the May 5, 2009 Office action, the examiner contends that there would be a serious search and examination burden if restriction were not required because the inventions have acquired a separate status in the art in view of their different classification and the inventions require a different field of search. However, it is noted that Groups III and IV are both classified in the same area, i.e., class 376, subclass 409. Thus restriction of Groups III and IV based upon the inventions having acquired a separate status in the art in view of their different classification is improper.

The examiner also contends that "searching the structure of the fuel element and apparatus can usually be performed by class/subclass searching, whereas the methods of Group I and II requires a text search." However, the examiner has failed to set forth how the text search of Group I would be different from the text search of Group II. Thus the examiner has not adequately shown that there would be a search burden between Groups I and II if restriction were not required.

In view of the findings noted above, the restriction requirement is hereby withdrawn and claims 4, 8-14 and 17-19 are reinstated. Additionally, the finality of the Office action mailed February 4, 2010 is withdrawn. Since the finality of Office action is withdrawn, the amendment filed May 13, 2010 will be entered pursuant MPEP 706.07(e).

Accordingly, the application will be forwarded to the Head Supervisory Legal Instruments Examiner for entry of the May 13, 2010 amendment and then to the examiner for consideration of previously withdrawn claims 4, 8-14, 17-19.

Any questions concerning this decision should be referred to Quality Assurance Specialist Teri Luu at (571) 272-7045.


Katherine Matecki, Director
Technology Center 3600
(571) 272-5250



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YOUNG BASILE
3001 WEST BIG BEAVER ROAD
SUITE 624
TROY, MI 48084

MAILED

MAR 21 2011

OFFICE OF PETITIONS

In re Application of :
Masahiro Tanaka :
Application No. 11/595,125 : **DECISION GRANTING PETITION**
Filed: November 9, 2006 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. NNA-181-A :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 18, 2011, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 25, 2011 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/595,221	11/09/2006	Ron Rosenfeld	HOL-0002 P1 (24858.007)	7136

28381 7590 08/15/2011
ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON, DC 20004-1206

EXAMINER	
ZHOU, SHUBO	

ART UNIT	PAPER NUMBER
1631	

NOTIFICATION DATE	DELIVERY MODE
08/15/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IP.Docketing@aporter.com



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August 15, 2011

ARNOLD & PORTER LLP
ATTN: IP DOCKETING DEPT.
555 TWELFTH STREET, N.W.
WASHINGTON DC 20004-1206

In re Application of :
Ron Rosenfeld et al. : **DECISION ON PETITION**
Application No. 11595221 :
Filed: 11/9/2006 :
Attorney Docket No. HOL-0002 P1 (24858.007) :

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84(a)(2), received in the United States Patent and Trademark Office (USPTO) November 9, 2006.

The petition is **DISMISSED**.

A grantable petition under 37 C.F.R. 1.84(a)(2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, (One (1) set for EFS filings), and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee."

The petition did not meet the following requirement(s). 1 ☐ 2 ☒ 3 ☐

A renewed petition filed under 37 C.F.R. 1.84(a)(2) must be filed within TWO (2) MONTHS of this decision. If a renewed petition is not filed within the TWO (2) Months of this decision the drawings will be printed in black and white.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Don Fairchild/
Office of Data Management
Publications Branch

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF WYETH***

Attorney Docket
Number: 50623.775

Patent Number: 7,666,223

Filing Date
(or 371(b) or (f) Date): November 8, 2006

Issue Date: February 23, 2010

First Named
Inventor: Veronica J. Santos

Title: Stent with Drug Coating

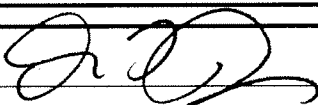
PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-WYETH INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

*Wyeth v. Kappos, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature



Date August 20, 2010

Name
(Print/Typed) James L. Reed

Registration Number 43,877

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 11.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.



*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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SQUIRE, SANDERS & DEMPSEY LLP
275 BATTERY STREET, SUITE 2600
SAN FRANCISCO, CA 94111-3356

Mail Date: 09/08/2010

Applicant	: Veronica J. Santos	: DECISION ON REQUEST FOR
Patent Number	: 7666223	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/595,296	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/08/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **319** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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United States Patent and Trademark Office
P.O. Box 1450

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JUL 14 2011

OFFICE OF PETITIONS

Law Offices of Kenneth W. Float
2095 Hwy. 211 NW, #2F
Braselton GA 30517

In re Application of	:	
Mace MCMONIGLE et al.	:	ON PETITION
Application No. 11/595,310	:	
Filed: November 10, 2006	:	
Atty. Docket No.: Y06-038	:	

This is a decision on the petition under 37 CFR 1.181 (no fee), filed May 31, 2011, requesting withdrawal of the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to appropriately reply to the non-final Office action mailed April 1, 2010, which set a shortened statutory period for reply of three (3) months. A 2-month extension under the provisions of 37 CFR 1.136(a) was obtained. The application was abandoned September 2, 2010. A Notice of Abandonment was mailed December 8, 2010.

Petitioner asserts that issuance of the Notice of Abandonment was inappropriate, and rather a Notice of Non-compliant Amendment should have been issued following the reply submitted August 9, 2010 to the non-final Office action mailed April 1, 2010.

Upon further consideration, the reply received on August 9, 2010 is recognized as a *bona fide* attempt at a proper reply. Accordingly, the holding of abandonment is withdrawn.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3715 for further action on the filed Response.

for Anthony Knight
Director
Office of Petitions



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DEC 21 2010

ROGITZ & ASSOCIATES
750 B STREET
SUITE 3120
SAN DIEGO CA 92101

Paper No. 12072010

In re Application of	:	
Jaster, Paul	:	Petition to Vacate the Notice of
Application Number 11/595,381	:	Non-Compliant Appeal Brief
Filed: November 8, 2006	:	under 37 CFR 1.181
For: SKYLIGHT TUBE WITH INFRARED	:	
HEAT TRANSFER	:	

This is a decision on Applicant's Petition under 37 CFR 1.181 filed on September 18, 2009 to vacate the Notice of Non-compliant Brief dated September 16, 2009.

The Petition is **GRANTED**.

Applicant appealed the Final rejection of April 1, 2009 in an Appeal Brief filed May 27, 2009. In a Notice of Non-compliant Appeal Brief dated September 16, 2009 the examiner held that the brief was defective because the applicant did not list the claim numbers in headings. In the instant Petition, the applicant argued that there is only a mandate to list each ground of rejection under its own heading and not each claim argued separately.

Neither 37 CFR 41.37 nor the MPEP require that claims argued separately be listed under separate headings. Specifically, 37 CFR 41.37(c)(1)(vii) states that "Each ground of rejection must be treated under a separate heading. For each ground of rejection applying to two or more claims, the claims may be argued separately or as a group." and "Any claim argued separately should be placed under a subheading identifying the claim by number. Claims argued as a group should be placed under a subheading identifying the claims by number." MPEP 1205.02 stated that "The best practice is to use a subheading for each claim for which separate consideration by the Board is desired."

The examiner erred in holding the Appeal Brief filed May 27, 2009 non-compliant. Therefore the Notice of Non-compliant Appeal Brief dated September 16, 2009 is hereby withdrawn. The case has been forward to the examiner to consider the Appeal Brief of May 27, 2009.

Any questions regarding this decision should be directed to Eileen Lillis at 571-272-3628.

Katherine Matecki

Katherine Matecki

Director

Technology Center 3600

571-272-3600

Edl/snm: 12/7/10

SM



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BAUSCH & LOMB INCORPORATED
ONE BAUSCH & LOMB PLACE
ROCHESTER NY 14604-2701**

MAILED

JAN 10 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kristian HOHLA, et al :
Application No. 11/595,386 :
Filed: November 9, 2006 :
Attorney Docket No. P02618D1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 3, 2010, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 17, 2009.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item(s) (3).

With respect to item 3: The instant petition fails to contain the required statement of unintentional delay. 37 CFR 1.137(b) states that the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in

filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsection (II) (C) and (D).] Please Note: PTO/SB/64 – Petition for Revival of an Unintentional Application form is attached for your convenience.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled “Renewed Petition under 37 CFR 1.137(b).” This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

Attachment: PTO/SB/64 - Petition for Revival of an Application Unintentionally Abandoned



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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**BAUSCH & LOMB INCORPORATED
ONE BAUSCH & LOMB PLACE
ROCHESTER NY 14604-2701**

MAILED

MAR 14 2011

OFFICE OF PETITIONS

In re Application of :
HOHLA, et al :
Application No. 11/595,386 : **DECISION ON PETITION**
Filed: November 9, 2006 :
Attorney Docket No. P02618D1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed September 16, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on December 17, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$1620; and (3) a statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3769 for appropriate action by the Examiner in the normal course of business.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/24/2011 Paper No.: _____
TO SPE OF : ART UNIT 2891
SUBJECT : Request for Certificate of Correction for Appl. No.: 11/595388 Patent No.: 7754525 B2
CofC mailroom date: 1/14/2011

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
571-272-0460

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.


☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


SPE

2891
Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 02-25-12

TO SPE OF : ART UNIT 1647

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/595496 Patent No.: 7745403

CofC mailroom date: 02-08-12

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

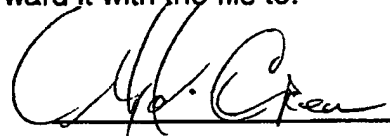
Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580



Note: _____

Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

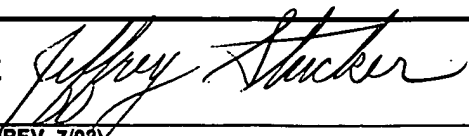
Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE



Art Unit

JEFFREY STUCKER
SUPERVISORY PATENT EXAMINER

1647



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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MAILED

AUG 13 2010

OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
755 PAGE MILL RD
PALO ALTO, CA 94304-1018

In re Application of	:	
Harrihar A. Pershadsingh	:	
Application No. 11/595,550	:	DECISION ON PETITION
Filed: November 10, 2006	:	TO MAKE SPECIAL UNDER
Attorney Docket No. 421842000401	:	37 CFR 1.102(c)(1)
	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed August 4, 2010, to make the above-identified application special based on applicant's health as set forth in M.P.E.P. § 708.02, Section III.

The petition is **GRANTED**.


A grantable petition to make an application special under 37 CFR 1.102(c)(1) and MPEP § 708.02, Section III: Applicant's Health, must be accompanied by evidence showing such as a doctor's certificate or other medical certificate that the state of health of the applicant is such that he or she might not be available to assist in the prosecution of the application if it were to run its normal course. No fee is required

The instant petition includes a copy of the declaration by Dr. Hashim R. Kazmi, a board-certified nephrologist who has been treating Applicant since July 2003. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at 571-272-3210.

All other inquiries concerning either the examination or status of the application should be directed to the Technology Center.

The application is being forwarded to the Technology Center Art Unit 1612 for action on the merits commensurate with this decision.


Irvin Dingle
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 12-08-11

TO SPE OF : ART UNIT 3718

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/595554 Patent No.: 8012027

CofC mailroom date: 11-07-11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square - 9D10-A
Palm Location 7580

Note: _____


Angela Green 571.272.9005

CofC Branch 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

PETER VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

SPE _____ Art Unit 3718



UNITED STATES PATENT AND TRADEMARK OFFICE

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RYAN KROMHOLZ & MANION, S.C.
POST OFFICE BOX 26618
MILWAUKEE WI 53226

MAILED
DEC 13 2011
OFFICE OF PETITIONS

In re Patent No. 8,086,318 :
Issued: 12/27/2011 :
Application No. 11/595,556 :
Filed: 11/10/2006 :
Docket No. 9844.18533-CIP 2 PROV FOR :

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed November 25, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3211.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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FRANCIS L. CONTE, ESQ.
6 PURITAN AVENUE
SWAMPSCOTT, MA 01907

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of
Ching-pang Lee, et al.
Application No. 11/595,606
Filed: March 20, 2007
Attorney Docket No. GE201467

:
:
: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)
:

This is a decision on the renewed petition under 37 CFR 1.313(c)(2), filed October 7, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 27, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries regarding the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3741 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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COURTNEY STANIFORD & GREGORY LLP
PO BOX 9807
SAN JOSE, CA 95157

MAILED

NOV 18 2010

OFFICE OF PETITIONS

In re Application of :
Macri et al. :
Application No. 11/595,619 :
Filed: November 9, 2006 :
Attorney Docket No. ATEC.P024 :

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 25, 2010, to revive the above-identified application.

The petition is **GRANTED**.

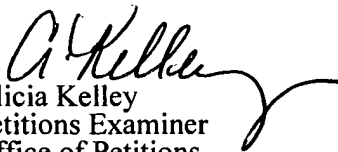
The application became abandoned for failure to file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 9, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is July 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of \$810 and the submission required by 37 CFR 1.114, (2) the petition fee of \$1,620 and (3) a proper statement of unintentional delay.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to Technology Center AU 2113 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.


Alicia Kelley
Petitions Examiner
Office of Petitions

cc: BARBARA COURTNEY
716 UNIVERSITY AVENUE, SUITE 216
LOS GATOS, CA 95032



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Thomas, Kayden, Horstemeyer & Risley, LLP
600 Galleria Parkway, S.E.
Ste 1500
Atlanta, GA 30339-5994

MAILED

OCT 01 2010

OFFICE OF PETITIONS

In re Patent No. 7,646,512
Issue Date: January 12, 2010
Application No. 11/595,662
Filed: November 10, 2006
Attorney Docket No. 251715-1560

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed August 1, 2010, requesting issuance of duplicate Letters Patent for the above-identified patent.

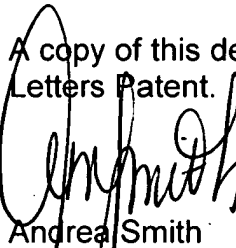
The petition is **GRANTED**.

The Office of Data Management is directed to issue duplicate Letters Patent.

As authorized, the \$400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. Inquiries regarding the issuance of duplicate Letters Patent may be directed to Ollie Person in the Office of Data Management at (703) 756-1555.

A copy of this decision is being sent to Office of Data Management for issuance of duplicate Letters Patent.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Ollie Person, Randolph Square, 9th Floor, Room D30-A (Fax No. (571) 270-9764)
Kimberly Terrell – Fax No. (571) 270-9958



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

OCT 27 2010

OFFICE OF PETITIONS

FRANCIS L. CONTE, ESQ.
6 PURITAN AVENUE
SWAMPSCOTT, MA 01907

In re Application of
Ching-Pang Lee, et al.
Application No.: 11/595,669
Filed: November 10, 2006
Attorney Docket No.: GE201469

:
:
: ON PETITION
:
:

This is a decision on the petition, filed October 26, 2010, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 30, 2010, cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3741 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement (IDS).

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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MAILED

OCT 27 2010

OFFICE OF PETITIONS

FRANCIS L. CONTE, ESQ.
6 PURITAN AVENUE
SWAMPSCOTT MA 01907

In re Application of :
Ching-Pang Lee et al :
Application No. 11/595,670 : DECISION GRANTING PETITION
Filed: November 10, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. GE201468 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 26, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 30, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3741 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

/Karen Creasy/
Karen Creasy
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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**LAWRENCE LIVERMORE NATIONAL SECURITY, LLC
LAWRENCE LIVERMORE NATIONAL LABORATORY
PO BOX 808, L-703
LIVERMORE CA 94551-0808**

MAILED

JUL 28 2011

OFFICE OF PETITIONS

In re Patent No. 7,618,500

Application No. 11/595,676

Filed: November 9, 2006

Issued: November 17, 2009

Attorney Docket No. IL-11559

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:
:
:
:
:

ON PETITION

This is a decision on the petition filed July 8, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to add the name of the second assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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ALBERT O COTA
5460 WHITE OAK AVE
SUITE A-331
ENCINO CA 91316

MAILED

OCT 05 2010

OFFICE OF PETITIONS

In re Application of
Hollis Wilson
Application No. 11/595,734
Filed: November 10, 2006
Attorney Docket No.: 06PLI1415

ON PETITION

This is a decision in response to the petition, filed August 23, 2010, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to a non-final Office action mailed January 26, 2010. A Notice of Abandonment was subsequently mailed on July 28, 2010. On August 23, 2010 the present petition was filed.

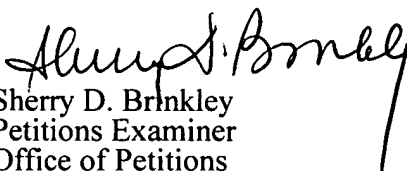
The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

Extensions of time under 37 CFR 1.136 are available only if asked for prior to or with the response. In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Since, no extension of time fees are due on a petition for revival, petitioner is entitled to a refund of the \$555 extension fees included with this petition.

Any request for refund must include a copy of this decision and be mailed to Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450 or faxed to the Customer Service Help Desk at (571) 273-6500.

The application is being referred to Technology Center AU 3679 for consideration of the response filed August 23, 2010.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.
P O BOX 458
ALAMEDA, CA 94501

MAILED

SEP 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Yuling LUO, et al.	:	
Application No. 11/595,789	:	DECISION ON PETITION
Filed: November 9, 2006	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 70-002210US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 11, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of October 9, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is March 10, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405, and the submission required by 37 CFR 1.114; (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$310 extension of time fee submitted with the petition on June 11, 2010 was subsequent to the maximum extendable period for reply, petitioner may request a refund of this fee by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 1637 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.



Thurman K. Page
Petitions Examiner
Office of Petitions

Cc: **PAUL LITTLEPAGE**
2033 CLEMENT AVENUE, SUITE 200
ALAMEDA, CA 94501



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FISH & RICHARDSON P.C. (TC)
PO BOX 1022
MINNEAPOLIS MN 55440-1022

MAILED

DEC 01 2011

OFFICE OF PETITIONS

In re Application
Mark S. Smyth et al.
Application No. 11/596,028
Filed: November 19, 2007
Attorney Docket No. **26500-0008US1 /**
PRTX-007-US01

:
:
: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b) filed November 22, 2011. Applicant requests that the determination of patent term adjustment be corrected from 455 days to 457 days.

The application for patent term adjustment is **GRANTED** to the extent indicated herein.

On August 26, 2011, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 455 days. The instant application for patent term adjustment was timely filed¹ on or before payment of the issue fee.

Applicants dispute the reduction of 2 days for the response filed February 28, 2011. "The USPTO mailed a non-final rejection to the applicants on November 26, 2010, setting a shortened statutory period of three months to reply. The three month response date fell on Saturday, February 26, 2011, which was a weekend day. The applicants filed a response to the non- final office action on February 28, 2011, the next business day".

In *Arqule v. Kappos*, _ F.Supp.2d _ (D.D.C. 2011), the District Court of the District of Columbia ruled that the 35 U.S.C. § 21 (b) "weekend add holiday" exception applies to "any action" including the § 154(b)(2)(C). Accordingly, because February 26, 2011 was a Saturday, the time period to calculate Applicant delay commenced on February 28, 2011, rather than February 26, 2011. Therefore, a delay of 2 days was accrued, corresponding to the time period between February 26, 2011 (three months after the mailing date of the Office Action, in accordance with 37 CFR §1.704(b)) and February

¹ PALM records indicate that the issue fee was paid on November 22, 2011.

28, 2011. Applicants respectfully request the Office to remove the 2 days of Applicant delay and correct the total Applicant delay from 455 days to 457 days.

The reduction is being reconsidered and, based upon the decision in the Arqule case, it is determined that entry of a reduction for this reply timely filed pursuant to 35 U.S.C. §21(b) is not warranted. Accordingly, the period of reduction of 2 days is being removed.

Thus, instead of a 2 day reduction for applicant delay pursuant to 37 C.F.R. §1.704(b), 0 days should have been accorded for applicant delay.

In view thereof, the determination of Patent Term Adjustment at the time of the mailing of the notice of allowance should have been 457 days (541 days of Office delay reduced by 84 days of applicant delay) rather than 455 days.

The Office acknowledges the authorization to charge the \$200.00 fee set forth in 37 CFR 1.18(e) to deposit account no. 06-1050.

The Office of Data Management has been advised of this decision. The application is, thereby, forwarded to the Office of Data Management for issuance of the application. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212.

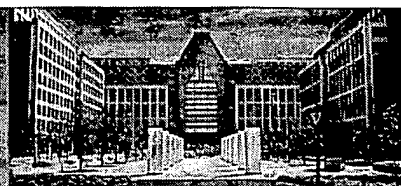


Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of Revised PALM Screen



Patent Term Adjustments



PTA/PTE Information

Patent Term Adjustment

Patent Term Extension

Application Number: 11596028

[Search]

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 11596028

Application Filing Date	11/19/2007	Overlapping Days Between (A and B) or (A and C)	0
Issue Date of Patent		Non-Overlapping USPTO Delays	541
A Delays	541	PTO Manual Adjustment	2
B Delays	0	Applicant Delay (APPL)	86
C Delays	0	Total PTA (days)	457

* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
123	11/28/2011		P028	Adjustment of PTA Calculation by PTO	2		
113	08/26/2011		MN/=.	Mail Notice of Allowance			0
109	08/24/2011		IREV	Issue Revision Completed			0
108	08/24/2011		N/=.	Notice of Allowance Data Verification Completed			0
107	08/24/2011		DOCK	Case Docketed to Examiner in GAU			0
103	08/15/2011		ACRE	Allowed Case Returned to the Examiner for Clerical Processing			0
102	08/15/2011		DVER	Document Verification			0
92	08/05/2011		ABN9	Disposal for a RCE / CPA / R129			0
98	08/04/2011		IDSC	Information Disclosure Statement considered			0
95	08/04/2011		RCAP	Reference capture on IDS			0
94	08/04/2011		M844	Information Disclosure Statement (IDS) Filed			0
93	08/04/2011		RCEX	Request for Continued Examination (RCE)			0
91	08/04/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
90	08/04/2011		BRCE	Workflow - Request for RCE - Begin			0
89	06/30/2011		FIDC	Finished Initial Data Capture			0
88	05/25/2011		CRFT	Sequence Forwarded to Pubs on Tape			0
87	05/13/2011		EIDC	Export to Initial Data Capture			0
86	05/11/2011		ELC_RVW	Electronic Review			0
85	05/11/2011		EML_NTF	Email Notification			0
84	05/11/2011		MN/=.	Mail Notice of Allowance			0
80	05/09/2011		IREV	Issue Revision Completed			0
79	05/09/2011		DVER	Document Verification			0
78	05/09/2011		N/=.	Notice of Allowance Data Verification Completed			0
73	05/05/2011		P574	PARALEGAL OR ELECTRONIC TERMINAL DISCLAIMER APPROVED			0
72	04/25/2011	02/28/2011	DIST	Terminal Disclaimer Filed		56	66
112	04/20/2011		OAR	Office Action Review			0
111	04/20/2011		OAR	Office Action Review			0
110	04/20/2011		OAR	Office Action Review			0
106	04/20/2011		OAR	Office Action Review			0
105	04/20/2011		OAR	Office Action Review			0
104	04/20/2011		OAR	Office Action Review			0
101	04/20/2011		EX.A	Examiner's Amendment Communication			0
100	04/20/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
99	04/20/2011		CNTA	Allowability Notice			0
83	04/20/2011		OAR	Office Action Review			0
82	04/20/2011		OAR	Office Action Review			0
81	04/20/2011		OAR	Office Action Review			0
77	04/20/2011		EX.A	Examiner's Amendment Communication			0
76	04/20/2011		EXIN	Examiner Interview Summary Record (PTOL - 413)			0
75	04/20/2011		CNTA	Allowability Notice			0
70	03/15/2011		CRFE	CRF Is Good Technically / Entered into Database			0
67	03/03/2011		FWDX	Date Forwarded to Examiner			0
74	02/28/2011		IDSC	Information Disclosure Statement considered			0
69	02/28/2011		RCAP	Reference capture on IDS			0
68	02/28/2011		M844	Information Disclosure Statement (IDS) Filed			0
66	02/28/2011	02/26/2011	A...	Response after Non-Final Action		2	62
65	02/28/2011		WIDS	Information Disclosure Statement (IDS) Filed			0
64	11/29/2010		ELC_RVW	Electronic Review			0
63	11/26/2010		EML_NTF	Email Notification			0
62	11/26/2010		MCTNF	Mail Non-Final Rejection			0
61	11/22/2010		CTNF	Non-Final Rejection			0
57	10/12/2010		IDSC	Information Disclosure Statement considered			0
52	10/12/2010		IDSC	Information Disclosure Statement considered			0
50	10/12/2010		WIDS	Information Disclosure Statement (IDS) Filed			0
49	10/12/2010		RCAP	Reference capture on IDS			0

48	10/12/2010	09/14/2010 M844	Information Disclosure Statement (IDS) Filed	28	45
47	10/12/2010	WIDS	Information Disclosure Statement (IDS) Filed		0
46	09/19/2010	FWDX	Date Forwarded to Examiner		0
45	09/14/2010	ELC	Response to Election / Restriction Filed		0
44	09/14/2010	XT/G	Request for Extension of Time - Granted		0
43	07/14/2010	ELC_RVW	Electronic Review		0
42	07/14/2010	EML_NTF	Email Notification		0
41	07/14/2010	01/19/2009 MCTRS	Mail Restriction Requirement	541	-1
40	07/12/2010	CTRS	Restriction/Election Requirement		0
38	06/21/2010	EML_NTR	Email Notification		0
37	06/21/2010	PA..	Change in Power of Attorney (May Include Associate POA)		0
36	06/17/2010	C.AD	Correspondence Address Change		0
53	03/04/2009	IDSC	Information Disclosure Statement considered		0
32	03/04/2009	M844	Information Disclosure Statement (IDS) Filed		0
29	03/04/2009	WIDS	Information Disclosure Statement (IDS) Filed		0
54	02/27/2009	IDSC	Information Disclosure Statement considered		0
31	02/27/2009	RCAP	Reference capture on IDS		0
30	02/27/2009	M844	Information Disclosure Statement (IDS) Filed		0
27	02/27/2009	WIDS	Information Disclosure Statement (IDS) Filed		0
24	09/04/2008	DOCK	Case Docketed to Examiner in GAU		0
22	08/16/2008	TSSCOMP	IFW TSS Processing by Tech Center Complete		0
13	04/17/2008	PG-ISSUE	PG-Pub Issue Notification		0
55	02/04/2008	IDSC	Information Disclosure Statement considered		0
21	02/04/2008	M844	Information Disclosure Statement (IDS) Filed		0
14	02/04/2008	M844	Information Disclosure Statement (IDS) Filed		0
12	02/04/2008	WIDS	Information Disclosure Statement (IDS) Filed		0
10	01/16/2008	OIPE	Application Dispatched from OIPE		0
9	01/08/2008	PGPC	Sent to Classification Contractor		0
8	01/08/2008	FLRCPT.O	Filing Receipt		0
7	01/08/2008	M903	Notice of DO/EO Acceptance Mailed		0
6	11/19/2007	ADDFLFE	Additional Application Filing Fees		0
5	11/19/2007	OATHDECL	A statement by one or more inventors satisfying the requirement under 35 USC 115, Oath of the Applic		0
0.5	05/09/2005	NEFILE	International Filing date		0

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KELLY LOWRY & KELLEY, LLP
6320 CANOGA AVENUE
SUITE 1650
WOODLAND HILLS CA 91367

MAILED

JAN 25 2011

OFFICE OF PETITIONS

In re Application of
Hansen
Application No. 11/596,046
Filed: November 21, 2006
Attorney Docket No. RICHT-50188
For: COUPLING FOR THE TRANSFER OF
FLUIDS UNDER PRESSURE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 15, 2010, to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action, mailed May 4, 2010, which set an extendable three month period for reply. No extension of time being obtained under 37 CFR 1.136(a) and no reply being received in the Office, this application became abandoned on August 5, 2010. A Notice of Abandonment was mailed on November 10, 2010.

Applicant has submitted a RCE and required \$405.00 fee and amendment in reply to the May 4, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the May 4, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555.00 extension of time fee submitted with the petition on November 15, 2010 was submitted subsequent to the expiration of the maximum extendable period for reply, this fee is unnecessary and will be refunded to petitioner's credit card.

After the mailing of this decision the application will be forwarded to Technology Center AU 3679 for consideration of the RCE and amendment filed on November 15, 2010.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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Patent No. : 7785801B2
Application No.: 11/596106
Inventor(s) : Tureci, et al.
Issued : 08/31/2010
Title : IDENTIFICATION OF SURFACE-ASSOCIATED ANTIGENS FOR TUMOR
DIAGNOSIS AND THERAPY
Attorney Docket No.: VOS-204

Re: Request for Certificate of Correction

Consideration has been given to your request for the issuance of a Certificate of Correction
For the above-identified patent under the provisions of Rule(s) 1.322.

Respecting the alleged error in Column # 52, line # 24 in the specification, comparison of the
printed patent with the corresponding location in the application file reveals that there is no
discrepancy.

In view of the foregoing, your request, in this matter, is hereby denied.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 01/07/2011

Address: Dolores T. Kenney
OLSON & CEPURITIS, LTD.
20 North Wacker Drive, 36th Floor
CHICAGO, ILLINOIS 60606

ts/md



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TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAILED

NOV 19 2010

OFFICE OF PETITIONS

In re Application of
Fujii
Application No. 11/596,156
Filed: April 9, 2007
Atty. Dkt. No.: 082418-001200US

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DECISION ON PETITION

This decision is in response to the petition under 37 CFR 1.137(b), filed September 14, 2010.

The petition is **GRANTED**.

The application became abandoned May 18, 2010 for failure to timely submit a proper reply to the non-final Office action mailed February 17, 2010. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was filed. Notice of Abandonment was mailed August 30, 2010.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been carefully reviewed and found in compliance with the requirements set forth above.

This application is being forwarded to Group Art Unit 2628 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



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MINNEAPOLIS MN 55440-1022

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JUL 06 2011

OFFICE OF PETITIONS

In re Application of :
Jouni Purontaus et al. :
Patent No. 7,983,661 :
Application No. 11/596,197 :
Filed: February 01, 2007 :
Attorney Docket No. **13906-0278001**

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 June 01, 2011.

The Office no longer investigates or rejects original or reissue patent under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby **ACCEPTED**.

This patent is no longer entitled to small entity status. Accordingly, all future fees paid in this patent must be paid at the large entity rate.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to receive future correspondence regarding this application, the appropriate power of attorney document must be submitted. While a courtesy copy of this decision is being mailed to the person signing the petition, all future correspondence will be directed to the address currently of record until appropriate instructions are received.

Inquiries related to this communication should be directed to the undersigned at (571) 272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **FISH & RICHARDSON P.C.**
3200 RBC PLAZA
60 SOUTH SIXTH STREET
MINNEAPOLIS MN 55402



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FULBRIGHT & JAWORSKI, LLP
666 FIFTH AVENUE
NEW YORK, NY 10103-3198

MAILED

JAN 14 2011

OFFICE OF PETITIONS

Applicants: Liu, et al.
Appl. No.: 11/596,271
International Filing Date: March 7, 2005
Title: ANTI-HUMAN TRAIL RECEPTOR DR5 MONOCLONAL ANTIBODY (AD5-10),
METHOD THEREOF AND USE OF THE SAME
Attorney Docket: JEEK 202-US
Pub. No.: US 2010/0080806 A1
Pub. Date: April 1, 2010

This is a decision on the request for a corrected patent application publication under 37 CFR 1.221, received on April 27, 2010 (re. drawings) and May 14, 2010 (re. international filing date), for the above-identified application.

With respect to the request for republication pursuant to 1.221(a), a copy of the application in compliance with the electronic filing system was not included.

The application was forwarded to the PCT Division for review of the filing date.

On December 24, 2009, a Filing Receipt was mailed by the Office, which incorrectly listed the international filing date. **To avoid this type of problem in the future, applicant's representative should make a request for a corrected filing receipt prior to export of the application to the publisher and publication of the application.**

The corrected patent application publication will be published in due course, unless the patent issues before the application is republished.

The request is granted.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

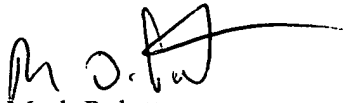
A Quick Start Guide for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/patents/process/file/efs/guidance/index.jsp>

http://www.uspto.gov/ebc/portal/efs/pgpub_quickstart.pdf

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709.

A handwritten signature in black ink, appearing to read 'M. Polutta', with a long horizontal line extending to the right.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/596,291	03/31/2007	Graham John Whitchurch	30658/42961	4067
4743 7590 03/16/2011 MARSHALL, GERSTEIN & BORUN LLP 233 SOUTH WACKER DRIVE 6300 WILLIS TOWER CHICAGO, IL 60606-6357			EXAMINER KRUER, KEVIN R	
			ART UNIT 1787	PAPER NUMBER
			NOTIFICATION DATE 03/16/2011	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mgbdoCKET@marshallip.com



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3/16/2011

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Mailed :
In re application of
Graham John Whitchurch
Serial No. 11/596291
Filed: March 31, 2007
For: EXTRUSION PROCESS

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DECISION ON
PETITION

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed April 14, 2010 and made final in the office action mailed August 04, 2010.

On April 14, 2010, a two way restriction requirement, under 35 U.S.C 121 and 372 was made by the examiner. The restriction requirement set forth two groups. The requirement states that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical feature *a priori*. Applicant traversed the restriction requirement in a response filed May 26, 2010. The examiner made the requirement final in the non-final office action mailed August 04, 2010.

On November 04, 2010, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that unity of invention exists under 37 CFR 1.475 (b) (1) and that the claims share a special technical feature.

DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/GB05/50062 and as such is subject to the unity requirements set out in PCT Rules 13.1 – 13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions, Annex B.

To support Applicant's position that unity of invention exists, Applicant submits that the claims share a special technical feature. Specifically, Applicant notes that the shared

special technical feature is with the step of extruding a mixture of (a) pellets of thermoplastically extrudable starch and (b) pellets of thermoplastically extrudable PVA.

In response to Applicant's submission, it should be noted that the restriction requirement issued contains a two way restriction between product and process of manufacturing said product. In the instant case, the process claims contain the asserted special technical feature, the step of extruding a mixture of (a) pellets of thermoplastically extrudable starch and (b) pellets of thermoplastically extrudable PVA. However, this asserted special technical feature is not shared with the product claims. The product claims merely requires that the product comprises a thermoplastic starch and PVA. Thus, in the absence of a shared special technical feature, the inventions lack unity with one another.

Additionally, while it is noted that the product claims recite a dependency to the process claims, Rule 13.3 clearly provides:

The determination whether a group of inventions is so linked as to form a single general inventive concept shall be made without regard to whether the inventions are claimed in separate claims or as alternatives within a single claim.

That is, the basic criteria for unity of invention are the same, regardless of the manner in which applicant chooses to draft a claim or claims. In the instant case, the determination of unity of inventions was made without regard to claim dependency.

In addition to above, Applicant also cited 37 CFR 1.475 (b)(1), which provides:

(b) International or a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn only to one of the following combinations of categories: (1) A product and a process specially adapted for the manufacture of said product;

In citing 37 CFR 1.475 (b)(1), Applicant notes that the submitted claims listing are drawn only to the following combination category: a product and process specifically adapted for the manufacture of said product.

In response to Applicant's argument, it should be noted that a process is "specially adapted" for the manufacture of a product if the claimed process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. In the instant case, it is not readily apparent from Applicant's disclosure and submissions that the process inherently produces the claimed product with the technical relationship being present between the claimed process and the claimed product. Thus, in the absence of such, Applicant's argument is not found persuasive.

In addition to above, the Office directs Applicant's attention to Rule 13.2, *Circumstances in Which the Requirement of Unity of Invention Is to Be Considered Fulfilled*, which states:

Where a group of inventions is claimed in one and the same international application, the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

In accordance with Rule 13.2, unity of inventions does not exist as the inventions lack a shared special technical feature for the reason(s) stated above and also in the office actions issued May 26, 2010 and August 04, 2010.

Accordingly, after review of the restriction requirement and the action taken by the examiner in response to Applicant's election, the petition to withdraw the restriction requirement is **Denied**. The application is being forwarded to the examiner to act on Applicant's amendment and response to non-final action, also filed 11/04/2010.

/W. GARY JONES/
W. Gary Jones, Director
Technology Center 1700
Chemical and Materials Engineering

MARSHALL, GERSTEIN & BORUN LLP
233 SOUTH WACKER DRIVE
6300 WILLIS TOWER
CHICAGO IL 60606-6357



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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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NOV 22 2010

OFFICE OF PETITIONS

In re Application of

Jensen, et al.

Application No. 11/596,324

Filed: November 13, 2006

Attorney Docket No. 2471.0080000

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed September 13, 2010.

The petition is **granted**.

This application was held abandoned August 18, 2010, after no reply was received to the Notice of Allowance and Issue Fee Due mailed May 17, 2010. The notice set forth a statutory period of reply of three months from its mailing date. No response was received within the allowable period and the application became abandoned on August 18, 2010. A Notice of Abandonment was mailed August 30, 2010. The instant petition was filed on September 13, 2010. Petitioner maintains that the notice of May 17, 2010, was never received.

When, as in this case petitioner is arguing that an Office communication was not received, petitioner must establish non-receipt of the Office communication in accordance with section 711.03(c) of the *Manual of Patent Examining Procedure* that requires the following:

To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.

Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.

11/596,324

A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center, GAU 3714 for further processing that will include remailing the Notice of Allowance and Issue Fee Due and resetting of the period for reply.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/596,458	10/28/2008	Jonathan Michael Boulter	007547.00006	8589
22907 7590 06/16/2011 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER JUEDES, AMY E	
			ART UNIT 1644	PAPER NUMBER
			MAIL DATE 06/16/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN 16 2011

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BANNER & WITCOFF, LTD.
1100 13th STREET, N.W. SUITE 1200
WASHINGTON, DC 20005-4051

In re Application of	:	DECISION ON REQUEST TO
BOULTER ET AL.	:	PARTICIPATE IN PATENT
Application No. 11/596,458	:	PROSECUTION HIGHWAY
Filed: October 28, 2008	:	PROGRAM AND PETITION
Attorney Docket No. 007547.00006	:	TO MAKE SPECIAL UNDER
	:	37 CFR 1.102(a)

This is a decision on the request to participate in the Patent Prosecution Highway (PPH) program and the petition under 37 CFR 1.102(a), filed January 26, 2011, to make the above-identified application special.

The request and petition are **GRANTED**.

A grantable request to participate in the PPH program and petition to make special require:

- (1) The U.S. application is (a) a Paris Convention application which either (i) validly claims priority under 35 U.S.C. 119(a) and 37 CFR 1.55 to one or more applications filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 119(a)/365(a) to a PCT application that contains no priority claims, or (b) a national stage application under the PCT (an application which entered the national stage in the U.S. from a PCT international application after compliance with 35 U.S.C. 371), which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO, or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims, or (iii) contains no priority claim, or (c) a so-called bypass application filed under 35 U.S.C. 111(a) which validly claims benefit under 35 U.S.C. 120 to a PCT application, which PCT application (i) validly claims priority under 35 U.S.C. 365(b) to an application filed in the EPO or (ii) validly claims priority under 35 U.S.C. 365(b) to a PCT application that contains no priority claims or (iii) contains no priority claim;
- (2) The EPO application(s) have at least one claim that was determined by the EPO to be allowable;
- (3) All the claims in each U.S. application for which a request for participation in the PPH pilot program is made must sufficiently correspond or be amended to sufficiently correspond to the allowable claims in the EPO application(s);
- (4) Examination of the U.S. application has not begun;
- (5) Applicant must submit a copy of all the Office actions (which are relevant to patentability) from each of the EPO application(s) containing the allowable claims that are the basis for the request;
- (6) Applicant must submit a copy of the allowable claims from the EPO application(s);
- (7) Applicant must submit a claim correspondence table in English; and

(8) Applicant must submit an information disclosure statement (IDS) listing the documents cited by the EPO examiner in the EPO Office action or in the positive EESR (unless such an IDS has already been filed in the U.S. application).

The request to participate in the PPH program and petition comply with the above requirements. Accordingly, the above-identified application has been accorded "special" status.

Telephone inquiries concerning this decision should be directed to Cecilia Tsang at 571-272-0562.

All other inquiries concerning the examination or status of the application should be directed to Patent Application Information Retrieval (PAIR) system at the <http://www.uspto.gov/ebc/index.html>.

The application is being forwarded to the examiner for action on the merits commensurate with this decision.



Cecilia Tsang
Supervisory Patent Examiner
TC 1600



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January 10, 2012

LEYDIG, VOIT & MAYER, LTD.
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6731

Re Application of
OFEK, GILAD., Et Al
Application: **11/596494**
Filed: **11/13/2006**

: **DECISION ON PETITION**
: **ACCEPTANCE OF COLOR**
: **DRAWINGS**

Attorney Docket No: **705048 (DHHS REFERENCE NO**

This is a decision on the Renewal of Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) November 13, 2006.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification containing the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings.

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is **GRANTED**.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Bernadette Queen/
Quality Control Specialist
Office of Data Management
Publications Branch



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of :
RANDALL et al. :
Application Number: 11/596,496 : **DECISION ON PETITION**
Filing Date: 11/13/2006 :
Attorney Docket Number: PU040149 :
:

This is a decision on the petition filed on March 10, 2010, under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continuing examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

The application became abandoned for failure to submit the issue and publication fees on March 1, 2010, in response to the Notice of Allowance and Fee(s) Due mailed on November 30, 2009, which set a three (3) month statutory period for reply.

Petitioner has submitted a Request for Continued Examination (RCE), a submission under 37 CFR 1.114 in the form of an IDS, and a RCE fee, as the required reply.

The petition must be dismissed because 37 CFR 1.137(c) states, in part, that in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. However, the issue fee has not been paid, and applicant's fee submission does not authorize the charging of the issue and publication fees, or fees under 37 CFR 1.18.

MPEP 711.03(c) states, in pertinent part, that while the revival of applications abandoned for failure to timely prosecute and for failure to timely pay the issue fee are incorporated together in 37 CFR 1.137, the statutory provisions for the revival of an application abandoned for failure to timely prosecute and for failure to timely submit the issue fee are mutually exclusive. See Brenner v. Ebbert, 398 F.2d 762, 157 USPQ 609 (D.C. Cir. 1968). 35 U.S.C. 151 authorizes the acceptance of a delayed payment of the issue fee, if the issue fee "is submitted ... and the delay in payment is shown to have been unavoidable." As such, even when an RCE is filed, the issue and publication fees must be paid in order to revive an application abandoned for failure to submit the issue and publication fees.

Accordingly, payment of the issue and publication fees is a prerequisite to revival of the application.

Petitioner should note that if the application is again allowed, the previously paid issue fee and publication fee will be reapplied toward the fees due at that time. See MPEP 1306.

Any renewed petition must be accompanied by payment of the issue and publication fees.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Correspondence may also be filed using the EFS-Web system of the USPTO.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3211.

A handwritten signature in black ink, reading "C. T. Donnell". The signature is written in a cursive, flowing style.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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Robert D. Shedd, Patent Operations
THOMSON Licensing LLC
P.O. Box 5312
Princeton NJ 08543-5312

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DEC 17 2010

OFFICE OF PETITIONS

In re Application of
RANDALL et al.
Application No. 11/596,496
Filed: 11/13/2006
Attorney Docket No. PU040149

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 8, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on November 30, 2009, which set a three (3) month statutory period for reply.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee and publication fee, (2) the petition fee, and (3) a proper statement of unintentional delay.

This matter is being forwarded to the Office of Data Management for processing into a patent.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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D-76207
KARLSRUHE DE GERMANY

MAILED

FEB 28 2011

In re Application of	:	OFFICE OF PETITIONS
Uwe Strohmeier et al.	:	
Application No. 11/596,623	:	DECISION ON PETITION
Filed: November 21, 2007	:	TO WITHDRAW
Attorney Docket No. 22116.9	:	FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 11, 2011.

The request is **NOT APPROVED**.

The Office will no longer accept address changes to a new practitioner or law firm filed with a Request, absent the filing of a power of attorney to the new representative. The Office will either change the correspondence address of record to the most current address information provided for the assignee of the entire interest who properly became of record under 37 CFR 3.71 or, if no assignee of the entire interest has properly been made of record under 37 CFR 3.71, the most current address information provided for the first named inventor.

Accordingly, the request to withdraw from record cannot be approved because there was no forwarding correspondence address. The forwarding address should be that of that of: (1) the first named inventor; or (2) an assignee of the entire interest under 37 C.F.R. 3.71. If an assignee has ownership in this application, then a current Statement under 37 CFR 3.73(b) or a copy of the actual assignment must be provided with a renewed request.

All future communications from the Office will continue to be directed to the above-identified address until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272- 4618.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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SHERR & VAUGHN, PLLC
620 HERNDON PARKWAY
SUITE 320
HERNDON VA 20170

MAILED
DEC 08 2010
OFFICE OF PETITIONS

In re Application of :
Hyun-Man Jang, et al. :
Application No. 11/596,637 : DECISION GRANTING PETITION
Filed: November 14, 2006 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 651-0003 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed, December 6, 2010 to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on November 19, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2883 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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20529
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112 South West Street
Alexandria, VA 22314

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MAR 03 2011

PCT LEGAL ADMINISTRATION

In re Application of :
TRINKS *et al* :
U.S. Application No.: 11/596,645 :
PCT No.: PCT/EP2004/066720 :
Int. Filing Date: 17 December 2004 :
Priority Date: 19 May 2004 :
Attorney Docket No.: PAL-020US :
For: METHOD AND DEVICE FOR :
DETACHING A COMPONENT WHICH :
IS ATTACHED TO A FLEXIBLE FILM :

DECISION

This decision is in response to the papers filed 09 August 2010 which are treated as a petition under 37 CFR 1.181 and hereby **GRANTED** as follows:

In the response to the prior decision, applicants provided a newly executed declaration and a \$130.00 surcharge fee as requested.

A review of the declaration shows that it is in compliance with 37 CFR 1.497(a) and (b).

This application is being forwarded to the DO/EO/US for mailing of a Form PCT/DO/EO/903 and filing receipt noting the completion of 35 U.S.C. 371 requirements on 09 August 2010.


James Thomson
Attorney Advisor

Office of PCT Legal Administration

Tel.: (571) 272-3302



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UNGARETTI & HARRIS LLP
INTELLECTUAL PROPERTY GROUP - PATENTS
70 WEST MADISON STREET
SUITE 3500
CHICAGO, IL 60602-4224

Mail Date: 08/03/2010

Applicant	: Donald Martin Monro	: DECISION ON REQUEST FOR
Patent Number	: 7650020	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/596,655	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2007	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **16** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12-15-10

TO SPE OF : ART UNIT 2841

SUBJECT : Request for Certificate of Correction for Appl. No.: 11/596686 Patent No.: 7472031

CofC mailroom date: 02-10-10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580



Certificates of Correction Branch
Angela Green

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ Approved

All changes apply.

☐ Approved in Part

Specify below which changes do not apply.

☐ Denied

State the reasons for denial below.

Comments: _____

 acting
SPE

AU 2841
Art Unit



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300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

MAILED
JAN 28 2011
OFFICE OF PETITIONS

In re Application of :
Young-Chang Cho :
Application No. 11/596,697 : **DECISION ON PETITION**
Filed: February 1, 2008 :
Attorney Docket No. 0311.77057 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 5, 2011, to revive the above-identified application.

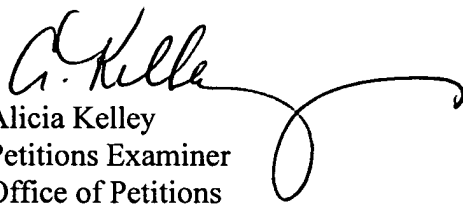
The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 30, 2010, as required by the Notice of Allowance and Fee(s) Due mailed September 30, 2010. Accordingly, the application became abandoned on December 31, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely submit the issue and publication fees as required by the Notice of Allowance and Fee(s) Due is accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6059.

This application is being referred to the Office of Data Management for processing into a patent.


Alicia Kelley
Petitions Examiner
Office of Petitions



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OFFICE OF PETITIONS

In re Application of
Young-Chang Cho
Application No. 11/596,698
Filed: August 12, 2008
Attorney Docket Number: 0311.77058

ON PETITION

This is a decision on the petition, filed October 1, 2010 under 37 CFR 1.137(b)¹, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned September 11, 2010 for failure to pay the issue fee in response to the Notice of Allowance mailed on June 10, 2010. Accordingly, the Notice of Abandonment was mailed on September 24, 2010.

The issue fee in the amount of \$755.00, publication fee in the amount of \$300 and the petition fee in the amount of \$810 have been charged to deposit account no. 07-2069.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball
Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

WATERS TECHNOLOGIES CORPORATION
34 MAPLE STREET – LG
MILFORD, MA 01757

MAILED

AUG 19 2010

OFFICE OF PETITIONS

In re Application of :
Scott J. Geromanos, et al. :
Application No. 11/596,756 : DECISION GRANTING PETITION
Filed: August 8, 2007 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. WAA-394-PCT-US :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 18, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 13, 2010 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 2881 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.



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JUN 27 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

PCT LEGAL ADMINISTRATION

In re Application of:	:	
LEGUIDLEGUID, Roy, C., et al.	:	
U.S. Application No.: 11/596,784	:	
PCT No.: PCT/US2005/017475	:	DECISION ON PETITIONS
International Filing Date: 18 May 2005	:	UNDER 37 CFR 1.137(b)
Priority Date: 18 May 2004	:	AND 37 CFR 1.47(a)
Attorney's Docket No.: RADNT-063US	:	
For: COOLING DEVICE FOR USE WITH	:	
HEAT-EXCHANGE CATHETER	:	
AND METHOD OF USE	:	

This decision is issued in response to applicants' petition for revival under 37 CFR 1.137(b) filed 11 May 2011 and the "Petition Under 37 C.F.R. §1.47(a)" filed 10 January 2011. Applicants have submitted the petition fee applicable to the petition for revival under 37 CFR 1.137(b); Deposit Account No. 50-0878 will be charged the \$200 petition fee applicable to the petition under 37 CFR 1.47(a).

BACKGROUND

On 18 May 2005, applicants filed international application PCT/US2005/017475. The international application claimed a priority date of 18 May 2004, and it designated the United States. On 01 December 2005, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 18 November 2006.

On 16 November 2006, applicants filed materials for entry into the national stage in the United States; however, the submission did not include payment of the basic national fee.

On 10 September 2010, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) indicating that the application was abandoned based on the failure to file an acceptable payment of the basic national fee prior to the expiration of thirty months from the priority date.

On 31 December 2008, applicants filed a petition for revival of the application under 37 CFR 1.137(b), which was supplemented on 21 April 2009.

On 28 July 2009, this Office issued a decision granting the petition for revival.

On 09 July 2010, the DO/EO/US mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497, the \$130 surcharge for filing the oath or declaration later than thirty months after the priority date, \$104 for two total claims over twenty, \$100 for the search fee, and \$220 for the examination fee.

On 10 January 2011, applicants filed a response to the Notification Of Missing Requirements. The response included the authorization to charge to Deposit Account No. 50-0878 for the required fees, as well as a partially executed declaration and the petition under 37 CFR 1.47(a) considered herein. The petition requests acceptance of the declaration without the signature of non-signing co-inventor Hoang PHAN, whom applicants assert has refused to execute the application or cannot be reached.

On 14 March 2011, a Communication was mailed informing applicants that Deposit Account No. 50-0878 did not contain sufficient funds to pay the fees associated with applicants' 10 January 2011 submission, including the extension fee required for such submission to be considered a timely response to the Notification Of Missing Requirements. The Communication stated that the present application was therefore abandoned.

On 22 March 2011, the DO/EO/US mailed a "Notification Of Abandonment" (Form PCT/DO/EO/909) confirming that the application was abandoned for failure to file a timely and proper response to the Notification Of Missing Requirements mailed on 09 July 2010.

On 11 May 2011, applicants filed the petition for revival of the application under 37 CFR 1.137(b) considered herein

DISCUSSION

1. Petition For Revival Under 37 CFR 1.137(b)

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional delay must be accompanied by: (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With respect to item (1), the "required reply" in the present circumstances is a proper response to the Notification Of Missing Requirements mailed 09 July 2010, that is, a declaration in compliance with 37 CFR 1.497 and the fees and surcharge payment required in the Notification. Applicants' present submission includes the authorization to charge Deposit Account No. 50-0878 for required fees. Pursuant to this authorization, Deposit Account No 50-0878 will be charged the additional fees and surcharge required by the Notification Of Missing Requirements.¹ The remaining element of the "required reply" is an oath or declaration in compliance with 37 CFR 1.497. In an attempt to satisfy this requirement, applicants have

¹ Specifically, the Deposit Account will be charged the \$130 late declaration surcharge, the \$100 search fee, the \$220 examination fee, and \$104 as the fee for inclusion of two additional total claims over 20.

submitted declarations executed by four of the five inventors of record and a petition under 37 CFR 1.47(a) requesting acceptance of this declaration without the signature of the remaining inventor, whom applicants assert has refused to execute the declaration. As discussed in detail below, the petition under 37 CFR 1.47(a) is not grantable as filed. Accordingly, the partially signed declarations filed by applicants here cannot be accepted on the present record. Applicants have therefore failed to submit the complete "required reply." Item (1) of a grantable petition for revival is not satisfied.

With respect to item (2), applicants have submitted the required petition fee. Item (2) is therefore satisfied.

With respect to item (3), the petition includes a statement that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Item (3) is therefore satisfied.

Item (4) does not apply to the present application.

Based on the above, applicants have failed to submit all the requirements for a grantable petition to revive under 37 CFR 1.137(b). The petition is therefore appropriately dismissed

2. Petition Under 37 CFR 1.47(a)

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the non-signing inventor; (3) an oath or declaration executed by the other inventors on behalf of themselves and the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Applicants here have authorized a charge to Deposit Account No. 50-0878 for additional fees required. Pursuant to the authorization, Deposit Account No. 50-0878 will be charged the \$200 petition fee. Item (1) is therefore satisfied.

Regarding item (2), the petition provides the last known address of the non-signing inventor. Item (2) is therefore satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed declarations executed by four of the five inventors of record, and each of the declarations include, as required, an unsigned signature block for the non-signing inventor. However, the signature block for the non-signing inventor does not list the citizenship of the non-signing inventor. Because the declarations do not include all required information (specifically, the citizenship of the non-signing inventor), the declarations may not be accepted

under 37 CFR 1.497(a) and (b). Applicants must provide re-executed declarations from the four cooperating inventors that contain an unsigned signature block for the non-signing inventor and all information required under 37 CFR 1.497, including the name and citizenship of all the inventors, including the non-signing inventor. Until such declarations are submitted, item (3) of a grantable petition is not satisfied.

Regarding item (4), MPEP section 409.03(d)(II) states that, before it can be concluded that an inventor has refused to execute the application papers, "[a] copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney." The MPEP also states the following:

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Here, applicants have provided a statement from Robert D. Buyan setting forth the efforts made to obtain the signature of the non-signing inventor. Specifically, Mr. Buyan states that he sent a signature request, accompanied by a copy of the declaration, to the inventor's email address on three occasions, receiving no response. Mr. Buyan also states that he attempted to contact the inventor by telephone, leaving a detailed message for the inventor, but he did not receive a return call. However, the petition does include any supporting documents, such as copies of the emails directed to the inventor, as required. In addition, the petition does not include a showing that the email address being used for the inventor is current and that the inventor has actually received any of the signature requests (evidence that the signature request has been received by the inventor is particularly important where, as here, the Office is being asked to interpret the inventor's failure to respond to the request as a refusal to execute the application). Moreover, the petition does not include a showing that a request for signature, accompanied by a copy of the complete application, has been provided to the inventor at his last known address, as required (with respect to the email correspondence, the petition indicates only that a copy of the declaration was included, not the complete application). In view of the above, the present record is not sufficient to support the conclusion that non-signing co-inventor Hoang PHAN has refused to execute the application.

Before it can be concluded that the non-signing inventor has refused to execute the application, applicants must provide supplemental materials, including a firsthand statement with supporting documents, confirming that a request for signature, accompanied by a copy of the complete application, was provided to the non-signing inventor at his last known address and that the non-signing inventor has refused to provide the requested signature in response to such request. Until such materials are submitted, item (4) of a grantable petition is not satisfied.²

² In the alternative, if applicants seek to demonstrate that the non-signing inventor cannot be reached after diligent effort, the requirements for such a showing are set forth in MPEP section 409.03(d)(I).

Based on the above, applicants have not satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The petition is therefore appropriately dismissed.

CONCLUSION

The petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice. The application remains abandoned.

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petitions is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include the materials required to satisfy the outstanding element of a grantable petition for revival under 37 CFR 1.137(b), that is, the "required reply" in the form of a declaration in compliance with 37 CFR 1.497 executed by non-signing inventor Hoang PHAN, or the materials needed to complete the outstanding requirements of a grantable petition under 37 CFR 1.47(a), as discussed above and in the MPEP (including acceptable revised declarations from each of the cooperating inventors).

No additional petition fees are required with respect to the petitions under 37 CFR 1.137(b) and/or 1.47(a). Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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OCT 13 2011

PCT LEGAL ADMINISTRATION

STOUT, UXA, BUYAN & MULLINS LLP
4 VENTURE, SUITE 300
IRVINE CA 92618

In re Application of: :
LEGUIDLEGUID, Roy, C., et al. :
U.S. Application No.: 11/596,784 :
PCT No.: PCT/US2005/017475 :
International Filing Date: 18 May 2005 :
Priority Date: 18 May 2004 :
Attorney's Docket No.: RADNT-063US :
For: COOLING DEVICE FOR USE WITH :
HEAT-EXCHANGE CATHETER :
AND METHOD OF USE :

DECISION ON RENEWED
PETITIONS UNDER
37 CFR 1.137(b)
AND 37 CFR 1.47(a)

This decision is issued in response to the "Renewed Petitions Under 37 C.F.R. §§ 1.47 and 1.137(b)" filed 29 August 2011. Applicants have previously submitted the required petition fees.

BACKGROUND

The procedural background for the present application was set forth in the decision mailed on 27 June 2011. The decision dismissed without prejudice applicants' petitions under 37 CFR 1.137(b) and 37 CFR 1.47(a), finding that applicants had not satisfied all the applicable requirements of such petitions.

On 29 August 2011, applicants filed the "Renewed Petitions Under 37 C.F.R. §§ 1.47 and 1.137(b)" considered herein.

DISCUSSION

1. Renewed Petition Under 37 CFR 1.47(a)

The present submission includes an acceptable declaration executed by the previously non-signing inventor who was the subject of applicants' petition under 37 CFR 1.47(a), Hoang PHAN. Applicants had previously submitted declarations executed by the four other inventors of record.

In view of the above, applicants have now submitted a declaration executed by each of the inventors of record. Applicants' petition under 37 CFR 1.47(a) for acceptance of the declaration without the signature of all the inventors is therefore moot.

2. Renewed Petition Under 37 CFR 1.137(b)

As discussed above, applicants have now submitted acceptable declarations executed by each of the inventors of record, including the previously non-signing inventor. The submission of an acceptable declaration in compliance with 37 CFR 1.497 completes the "required reply" element of a grantable petition for revival under 37 CFR 1.137(b).

As discussed in the previous decision, the "required reply" was the final outstanding element of a grantable petition under 37 CFR 1.137(b). Because applicants have now satisfied this requirement, the petition for revival under 37 CFR 1.137(b) is appropriately granted.

CONCLUSION

Based on applicants' submission of a declaration executed by the previously non-signing inventor, Hoang PHAN, the renewed petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

Applicants' renewed petition for revival of the application under 37 CFR 1.137(b) is **GRANTED**.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 29 August 2011

/RichardMRoss/

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296



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United States Patent and Trademark Office
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MAILED Paper No.

AUG 12 2010

OFFICE OF PETITIONS

Novartis Animal Health US Inc.
3200 Northline Avenue, Suite 300
Greensboro NC 27408

In re Patent No. 7,642,379 : DECISION ON REQUEST
Gauvry et al. : FOR
Issue Date: January 05, 2010 : RECONSIDERATION OF
Application No. 11/596,961 : PATENT TERM ADJUSTMENT
Filed: December 25, 2006 : and
Atty Docket No. 33792-US-PCT : NOTICE OF INTENT TO ISSUE
: CERTIFICATE OF CORRECTION

This is a decision on the renewed petition filed on February 26, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by two hundred sixty-two (262) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by two hundred thirty-one (261) days is **GRANTED to the extent indicated herein.**

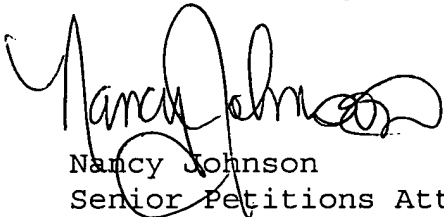
The B delay calculated results in 25 days and not 26 days. The commencement date as indicated of this application is December 10, 2006. However, because this date occurs on a weekend, Sunday, the appropriate commencement date is the next business day, which is December 11, 2006. As a result the three year anniversary is December 11, 2009. The difference between the issuance date and the three year anniversary results in 25 days. Therefore, the total patent term adjustment granted to this petition is 261 days (267 + 25 + 31 = 261).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred sixty-one (261) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,642,379 B2

DATED : January 5, 2010

DRAFT

INVENTOR(S) : Gauvry et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 261 days

Delete the phrase "by 236 days" and insert – by 261 days--



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Thomas R. Vigil Law Offices
319 Bluff Court
Barrington IL 60010

In re Application of
WU, YUN-FOO

Application No.: 11/597,195

Filing or 371(c) Date: November 20, 2006

Attorney Docket Number: VACIP-40002

SEP 01 2011

:
: DECISION ON
: PETITION
:

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent & Trademark (USPTO) on August 10, 2011.

The petition is **DISMISSED**.

Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed April 20, 2011. The Notice of Abandonment was mailed August 4, 2011.

The Office acknowledges receipt of Part B – Fee(s) Transmittal on May 21, 2011. However, on May 25, 2011 credit card was declined for approval of payment.

Petitioner should review the amended rules pertaining to general authorization to pay fees. See 65 FR 54647 September 8, 2000, revised 69 FR 56481 September 21, 2004, effective September 21, 2004. Unfortunately, the application file does not reveal a previously filed authorization to charge **such** fee(s) or specifically the issue fee.

In light of the non-compliance with 37CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website <http://www.uspto.gov>)

Under 37 CFR 1.137(a), a petition for the revival of an **unavoidable** abandoned application
Under 37 CFR 1.137(b), a petition for the revival of an **unintentionally** abandoned application

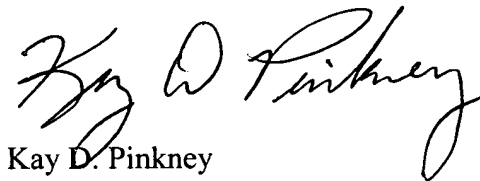
Further inquiries with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 Office of Petitions
 P O Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 756-1547.

A handwritten signature in black ink, appearing to read 'Kay D. Pinkney', is written over the printed name and title.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010

MAILED

SEP 29 2011

OFFICE OF PETITIONS

DECISION ON PETITION

In re Application of
Yun-Foo WU
Application No. 11/597,195
Filed: February 15, 2008
Attorney Docket No. VACIP-40002

This is a decision on the petition filed, September 07, 2011, in the above-identified application.

The petition is dismissed.

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition to revive an abandoned application for patent based on unintentional delay or to accept an unintentionally delayed payment of a fee for issuing a patent. In this instance, the fee required by law is \$930.00. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.

The petition in the above-identified application was not accompanied by payment of the required fee and did not include a signature. No consideration on the merits can be given to the petition until the required fee is received and the petition is properly signed.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

**Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450**

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-4231.



Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**THOMAS R. VIGIL LAW OFFICES
319 BLUFF COURT
BARRINGTON IL 60010**

MAILED

NOV 07 2011

OFFICE OF PETITIONS

In re Application of	:	
Yun-Foo WU	:	
Application No. 11/597,195	:	DECISION ON PETITION
Filed: February 15, 2008	:	
Attorney Docket No. VACIP-40002	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed October 11, 2011, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before July 20, 2011, as required by the Notice of Allowance and Fee(s) Due, mailed April 20, 2011, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 21, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755.00 and publication fee of \$300.00; (2) the petition fee of \$930.00; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fee payments are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-4231.

This application is being referred to Office of Data Management.

Michelle R. Eason
Paralegal Specialist
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,219	10/23/2007	Shibiao C. Li	CCPIT-2 (IEC050013PUS)	3414
26479 7590 09/16/2011 STRAUB & POKOTYLO 788 Shrewsbury Avenue TINTON FALLS, NJ 07724			EXAMINER TRAN, SUSAN T	
			ART UNIT	PAPER NUMBER
			1615	
			MAIL DATE	DELIVERY MODE
			09/16/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 16 2011

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Application of	:	
Shibiao C. Li	:	NOTICE OF WITHDRAWAL
Serial No. 11/597219	:	FROM ISSUE
Filed: October 23, 2007	:	UNDER 37 CFR 1.313(b)
For: SMECTITE DISPERSIBLE TABLETS	:	
AND THE PREPARATION THEREOF	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to a mistake on the part of the Office. See 37 CFR 1.313(b).

The above-identified application is hereby withdrawn from issue.

The issue fee is refundable upon written request. If, however, the application is again found allowable, the issue fee can be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due upon written request. This request and any balance due must be received on or before the due date noted in the new Notice of Allowance in order to prevent abandonment of the application.

Telephone inquiries should be directed to the SPE, Robert Wax at (571) 272-0623.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Irem Yucel, Director
Technology Center 1600

STRAUB & POKOTYLO
788 SHREWSBURY AVENUE
TINTON FALLS, NJ 07724



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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THE FARRELL LAW FIRM, P.C.
290 Broadhollow Road
Suite 210E
Melville NY 11747

In re Application of
MOON, HYUNG-DAE

Application No. 11/597,242

Filed: November 20, 2006

Attorney Docket No.: 1234-14 PCT US

FEB 08 2011

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 CFR §1.181 received in the United States Patent and Trademark Office (USPTO) on January 10, 2011.

The Petition is **Granted**.

The application was held abandoned for failure to timely file corrected drawings as required by and within the three-month period set in, the Notice of Allowability mailed October 29, 2010. Corrected drawings were not submitted within the time period for response. Therefore, the application was properly held abandoned and the Notice of Abandonment was mailed on November 10, 2010.

Petitioner states that U.S. Patent and Trademark Office mistakenly required corrected drawings on the Notice of Allowability. After consultation with the Examiner, the Office agrees that the drawing requirement was made in error.

In view of the foregoing, the holding of abandonment for failure to timely pay the issue fee is hereby withdrawn and the application restored to pending status.

Telephone inquiries relating to this matter may be directed to the undersigned at 703-756-1547.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management



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ROBERT D SHEDD PATENT OPERATIONS
THOMSON LICENSING LLC
PO BOX 5312
PRINCETON NJ 08543-5312

MAILED
DEC 23 2011
OFFICE OF PETITIONS

In re Application of :
Clint Alan Ecoff :
Application No. 11/597,268 : ON PETITION
Filed: November 20, 2006 :
Attorney Docket No. PU040160 :

This is in response to the petition to revive under 37 CFR 1.137(b), filed November 29, 2011.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the final Office action mailed May 10, 2011, which set a shortened statutory period for reply of three (3) months. No reply having been received, the application became abandoned by operation of law on August 11, 2011. The Office mailed a Notice of Abandonment on November 18, 2011.

With the instant petition, petitioner has paid the petition fee, made the proper statement of unintentional delay, and submitted the required reply in the form of an Amendment.

The application is being forwarded to Group Art Unit 2618 for consideration of the Amendment filed November 29, 2011.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions



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**BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON DC 20037**

**MAILED
NOV 08 2011**

OFFICE OF PETITIONS

In re Application of	:	
TOUMI, et al	:	
Application No. 11/597,293	:	DECISION ON PETITION
Filed: October 31, 2007	:	TO WITHDRAW
Attorney Docket No. 126512-00101	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed October 11, 2011.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by Michael C. Greenbaum on behalf of the attorneys of record associated with Customer No. 27557.

The attorneys of record associated with Customer No. 27557 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified by the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

/Diane Goodwyn/
Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: LASSAD TOUMI
TOUMIX, 23 RUE DE L'ETANG
CORCY 02600 FRANCE



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
11/597,293	10/31/2007	Lassad Toumi	126512-00101

CONFIRMATION NO. 4863

POWER OF ATTORNEY NOTICE



OC000000050841199

27557
BLANK ROME LLP
WATERGATE
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, DC 20037

Date Mailed: 11/07/2011

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/11/2011.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,305	11/20/2006	Kenneth Eric Jesse Davie	1529-002	4950
<div>32905 7590 10/15/2010</div> <div>JONDLE & ASSOCIATES P.C.</div> <div>858 HAPPY CANYON ROAD SUITE 230</div> <div>CASTLE ROCK, CO 80108</div>				
<div>EXAMINER</div> <div>ROBINSON, KEITH O NEAL</div>				
<div>ART UNIT PAPER NUMBER</div> <div>1638</div>				
<div>NOTIFICATION DATE DELIVERY MODE</div> <div>10/15/2010 ELECTRONIC</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JondleOA@jondlelaw.com



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JONDLE & ASSOCIATES P.C.
858 HAPPY CANYON ROAD SUITE 230
CASTLE ROCK CO 80108

OCT 15 2010

In re Application of:
Kenneth Eric Jesse Davie
Serial No.: 11/597,305
Filed: November 20, 2006
Attorney Docket No.: 1529-002

:
:
: PETITION DECISION
:


This is in response to the petition under 37 CFR § 1.59(b), filed June 9, 2010, to expunge information from the above identified application. This application has not been allowed.

Petitioner requests that the Reply to Request for Information under 37 CFR 1.105, and attachment thereto, submitted to the Patent Office on June 9, 2010, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This is an examined application which is currently under non-final rejection. As such the information provided has been reviewed, in part, but proceedings in the application have not been terminated. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.


Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,318	11/21/2006	Toshihiro Shodai	SHODAI1	7116
1444 7590 09/21/2010 BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			EXAMINER MONSHIPOURI, MARYAM	
			ART UNIT 1656	PAPER NUMBER
			MAIL DATE 09/21/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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SEP 21 2010

BROWDY AND NEIMARK P.L.L.C.
624 NINTH STREET, NW
Suite 300
WASHINGTON, DC 20001-5303

In re Application of: SHODAI et al	:	
Serial No: 11/597,318	:	DECISION
Filed: November 21, 2006	:	ON
Attorney Docket No: SHODAI1	:	PETITION
Title: Process for Producing Polypeptide	:	

This letter is in response to the Petition under 37 C.F.R. 1.181 filed on April 20, 2010.

BACKGROUND

This application was filed under 35 U.S.C. 371 and as such is subject to PCT unity of invention practice.

Applicant filed a claim set on November 21, 2006 which was subject to a lack of unity of invention on June 22, 2009.

In the restriction requirement of June 22, 2009, the examiner presented the following groups:

Group I. Claims 1-18, drawn to a method for expressing a RV-2 reverse transcriptase alpha subunit in a first vector and a gene encoding a chaperone in a second vector from a single host incorporating both vectors, and said vectors comprising said gene.

Group II. Claims 1-18, drawn to a method for expressing a RV-2 reverse transcriptase beta subunit in a first vector and a gene encoding a chaperone in a second vector from a single host incorporating both vectors, and said vectors comprising said gene.

Group III. Claims 1-18, drawn to a method for expressing a DNase in a first vector and a gene encoding a chaperone in a second vector from a single host incorporating both vectors, and said vectors comprising said gene.

Group IV. Claims 1-18, drawn to a method for expressing a human Dicer PAZ domain in a first vector and a gene encoding a chaperone in a second vector from a single host incorporating both vectors, and said vectors comprising said gene.

Examiner further required election of one specific chaperone as recited in claim 3 and one specific method, a method of enhancing production by 1) induction of chaperone gene, 2) modification of chaperone gene in host chromosome, or 3) transferring the chaperone gene into the host.

Examiner states: The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reason: The special technical feature of group I – IV are: isolated DNA (gene) encoding RAV-2 reverse transcriptase alpha subunit (or method of use thereof), isolated DNA (gene) encoding RAV-2 reverse transcriptase beta subunit (or method of use thereof), isolated DNA (gene) encoding DNase (or method of use thereof), isolated DNA (gene) encoding human Dicer RAZ domain (or method of use thereof), respectively, which are products (or method of use of products) of unrelated chemical structure and function and share no common technical feature one related to the other.

On July 15, 2009, applicant elected with traverse Group III (a method for expressing a DNase, trigger factor as the chaperone and a method of enhancing production by transferring the chaperone gene into the host as the particular method. Petitioner indicated that Claims 1-18 are readable thereon. Applicant traversed the restriction/lack of unity of invention. Petitioner urged that the single general inventive concept is expression of a chaperone gene in a host to be used is enhanced upon expression of a gene encoding a polypeptide of interest using recombinant protein expression system under low-temperature conditions, thereby making it possible to obtain a considerable amount of a polypeptide that has been conventionally difficult to be expressed while retaining its activity. Applicant urged that most if not all of the claims appear to be generic. Petitioner further urged that all the requirements are more in the nature of elections of species, in view of the generic nature of the claims, contrary to the statement of the examiner. Petitioner also urged that examiner fails to provide a citation showing the “special feature” as required by PCT Rule 13.2. Petitioner further noted that examiner incorrectly takes the position that the method of Groups I-IV is a method for expressing a polypeptide of interest and a chaperone gene from a single host incorporating two vectors. The claim also include a method of using one vector, wherein the gene encoding a desired polypeptide and the gene encoding a chaperone are linked to each other so that a fusion protein of the desired polypeptide and the chaperone is encoded. Petitioner also argued that examiner improperly applies US restriction practice even if US restriction practice were to apply. Petitioner further urged that Groups are overlapping and there is no search burden.

DISCUSSION

Prosecution history and petition have been carefully reviewed. Instant application is a 371 application and lack of Unity practice should be followed. There is no need to address any arguments under US restriction practice. Claims 1 and 14 are generic claims, they are linking claims. Claims 3-6, 8, 9, 15, 16, and 18 are subgeneric and linking claims. Claims 3, 8, and 16 recite Markush groups. The special technical feature is the expression of a chaperone gene in a host is enhanced upon expression of a gene encoding a polypeptide of interest using a recombinant protein expression system. Examiner reason for lack unity of invention is solely based on the difference in steps and products. There is no prior art cited to negate the presence

of the special technical feature. While “no reference is required in order to establish lack of unity” is true, examiner has not met the requirement establishing the claims lack a shared special technical feature.

It is correct the restriction requirement limited petitioner to claim less than they have a right to claim. It is noted that election of species practice is proper under unity of invention practice.

DECISION

The petition is **GRANTED** for the reasons set forth above.

This application is being forwarded to examiner for re-evaluation/determination as to whether claims lack unity of invention under PCT Rule 13.1 and 13.2.

Should there be any questions about this decision, please contact Supervisory Patent Examiner Cecilia Tsang, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0562 or by facsimile sent to the general Office facsimile number, 571-273-8300.

A handwritten signature in black ink, appearing to read "Jacqueline Stone" followed by a stylized flourish.

Jacqueline Stone
Director, Technology Center 1600



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NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY- X100B
P.O. BOX 8097
EMERYVILLE CA 94662-8097

MAILED

SEP 28 2011

In re Application of
Tang, et al.

Application No. 11/597,452

Filed/Deposited: 21 November, 2006

Attorney Docket No. PP021725.0003

OFFICE OF PETITIONS

DECISION

This is a decision on the petition filed on 6 September, 2011, for revival of an application abandoned due to unintentional delay under 37 C.F.R. §1.137(b).

The petition pursuant to 37 C.F.R. §1.137(b) is **GRANTED**.

As to the Allegations
of Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

BACKGROUND

The record reflects as follows:

Petitioner failed to reply timely and properly to the final Office action mailed on 23 February, 2011, with reply due absent extension of time on or before 23 May, 2011.

It does not appear that the Office mailed a Notice of Abandonment of before a petition was filed.

On 6 September, 2011, Petitioner filed a petition (with fee) pursuant to 37 C.F.R. §1.137(b), with a reply in the form of an RCE with fee and submission under 37 C.F.R. §1.114 in the form of an amendment and a statement of unintentional delay.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office **must** inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation—since all owe to the Office the continuing duty to disclose.¹

STATUTES, REGULATIONS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994). And the regulations at 37 C.F.R. §1.137(a) and (b) set forth the requirements for a Petitioner to revive a previously unavoidably or unintentionally, respectively, abandoned application.^{2, 3}

Moreover, the Office has set forth in the Commentary at MPEP §711.03(c)(I) the showing and timeliness requirements for a proper showing for relief under 37 C.F.R. §1.181 in these matters.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies

¹ See supplement of 17 June, 1999. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting a statement made by Petitioner. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178, 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109)(applicant obligated under 37 C.F.R. §11.18, formerly §10.18, to inquire into the underlying facts and circumstances when providing statements to the Patent and Trademark Office).

² See: Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. at 53158-59 (October 10, 1997), 1203 Off. Gaz. Pat. Office at 86-87 (October 21, 1997).

³ The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition. (Therefore, by example, an unavoidable delay in the payment of the Filing Fee might occur if a reply is shipped by the US Postal Service, but due to catastrophic accident, the delivery is not made.) Delays in responding properly raise the question whether delays are unavoidable. Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a). And the Petitioner must be diligent in attending to the matter. Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care. (By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.))

and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.⁴

As to Allegations of
Unintentional Delay

The requirements of a grantable petition pursuant to 37 C.F.R. §1.137(b) are the petition and fee therefor, a reply, a proper statement of unintentional delay under the regulation, and, where applicable, a terminal disclaimer and fee.

It appears that the requirements under the rule have been satisfied.

CONCLUSION

Accordingly, the petition pursuant to 37 C.F.R. §1.137(b) is **granted**.

The instant application is released to the Technology Center/AU 1632 for further processing in due course.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the instant decision to ensure that the revival has been acknowledged by the TC/AU in response to this decision. It is noted that all inquiries with regard to status need be directed to the TC/AU where that change of status must be effected—that does not occur in the Office of Petitions.

⁴ In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

Application No. 11/597,452

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2⁵) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

/John J. Gillon, Jr./
John J. Gillon, Jr.
Senior Attorney
Office of Petitions

⁵ The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

ALSTON AND BIRD LLP
ST. JUDE CHILDREN'S RESEARCH HOSPITAL
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE NC 28280-4000

MAILED

OCT 14 2010

OFFICE OF PETITIONS

Applicant: Evans et al.
Appl. No.: 11/597,468
International Filing Date: May 18, 2005
Title: DIAGNOSIS AND TREATMENT OF DRUG RESISTANT LEUKEMIA
Attorney Docket No.: 044158/318597
Pub. No.: US 2009/0004173 A1
Pub. Date: January 1, 2009

This is a decision on the request for reconsideration for a request for a corrected patent application publication under 37 CFR 1.221(b), received on December 2, 2009, for the above-identified application.

Applicant requests that the application be republished because the patent application publication contains material errors in dependent claims 2, 13 and 15 wherein "1B" was misprinted as "11B."

The request is DISMISSED.

37 CFR 1.221 (b) is applicable "only when the Office makes a **material mistake** which is apparent from Office records.... Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." (Emphasis added) A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.¹

The error in dependent claims 2, 13 and 15 wherein "1B" was misprinted as "11B" may be an Office error, but is not a material Office error under 37 CFR 1.221. The typographical error in the dependent claims is not a material Office error because the claims were correctly published in the PCT application as WO 2005/118865. The misprint does not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope .

¹Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239, Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. The error also does not affect the use of the patent application publication as a prior art reference.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system, as a "Pre-Grant Publication."

A "Quick Start Guide" for filing a request for a Pre-Grant Publication, such as a request for republication, may be found on the link below:

<http://www.uspto.gov/ebc/portal/tutorials.htm>

Inquiries relating to this matter may be directed the undersigned at (571) 272-7709.



Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy



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WOLF GREENFIELD & SACKS, P.C.
600 ATLANTIC AVENUE
BOSTON MA 02210-220610

MAILED
NOV 22 2010
OFFICE OF PETITIONS

In re Application of :
Veraragavan Palani Eswarakumar, et al. :
Application No. 11/597,487 : **DECISION ON PETITION**
Filed: March 17, 2008 :
Attorney Docket No. Y0087.70022US00 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 18, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 27, 2010, as required by the Notice of Allowance and Fee(s) Due, mailed June 25, 2010. Accordingly, the date of abandonment of this application is September 28, 2010. The Notice of Abandonment was mailed October 11, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and the publication fee of \$300, (2) the petition fee of \$810; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Terri Johnson at (571) 272-2991.

This application is being referred to the Office of Data Management for processing into a patent.

/Terri Johnson/
Terri Johnson
Petitions Examiner
Office of Petitions



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/597,526	02/08/2007	Anthony Stokes	1004501-000875	6628
21839 7590 02/16/2012 BUCHANAN, INGERSOLL & ROONEY PC POST OFFICE BOX 1404 ALEXANDRIA, VA 22313-1404			EXAMINER SAHA, BIJAY S	
			ART UNIT 1732	PAPER NUMBER
			NOTIFICATION DATE 02/16/2012	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed : 2/16/12

In re Application of
Stokes et al.

Serial No. 11/597,526

Filed: February 8, 2007

For: **GAS RECOVERY OF SULPHUR HEXAFLUORIDE**

:
:
: DECISION ON
:
: PETITION

This is a decision on Appellants' Petition under 37 CFR 1.181 filed January 3, 2012 requesting that a ground of rejection set forth in the Examiner's Answer be designated as a new ground of rejection. A Final Office Action was mailed on March 3, 2011. An Appeal Brief was filed on August 31, 2011. On November 3, 2011, an Examiner's Answer was mailed.

One of the arguments set forth by the Appellants in the Final Rejection was that the Stokes reference discloses a system not capable of flowing from one of the vessels 22, 26 and 34 to another one of the vessels, wherein the flow of gas is outside of the sulphur hexafluoride housed electrical equipment. The Examiner in response in the Final Rejection pointed out that Stokes teaches one recover vessel and that Stokes discloses at least three vessels.

The Appellants in their Brief set forth the same argument presented in the Final Rejection. In response to Appellants' arguments, the Examiner on page 12 of the Examiner's Answer submits that the gas-filled circuit breaker equipment is actually part #11 (Fig. 2) and that element 11 in Fig. 2 of Stokes is an arc chamber that constitutes one of the components of the gas-filled circuit breaker equipment. Applicant asserts that the Examiner has changed his position from relying on the gas-filled circuit breaker equipment as a whole, to the arc chamber specifically. Appellants further states that in the Final Rejection, the Examiner provided no indication that the arc chamber was being relied on in such a manner and further state that this is a substantial change to the Examiner's rationale, especially given the nature of Applicant's arguments set forth in the Appeal Brief.

DECISION

There is no new ground of rejection when the basic thrust of the rejection remains the same such that an Appellant has been given a fair opportunity to react to the rejection. See *In re Kronig*, 539 F.2d 1300, 1302-03, 190 USPQ 425, 426-27 (CCPA 1976). Where the statutory basis for the rejection remains the same, and the evidence relied upon in support of the rejection remains the same, a change in the discussion of, or rationale in support of, the rejection does not necessarily constitute a new ground of rejection. *Id.* at 1303, 190 USPQ at 427.



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A review of the prior office actions by the Examiner fails to disclose the position the Examiner has now taken in the Answer. Appellants' arguments set forth in the Brief are consistent with the previous arguments presented during the prosecution of the application.

The petition is **GRANTED**.

The Examiner is required to send a corrected Examiner's Answer that identifies the rejection as a new ground of rejection and includes the approval of the TC Director or designee. The Appellants may then file either a request that prosecution be reopened by filing a reply under 37 CFR 1.111, or a request that the appeal be maintained by filing a reply brief or resubmitting the previously-filed reply brief, within two months from the mailing of the corrected answer.

/Yvonne Eyler/
Director, Technology Center 1700
Chemical and Materials Engineering

wk

BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404



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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

MAILED
AUG 10 2010
OFFICE OF PETITIONS

In re Application of :
Takashi Udagawa :
Application No. 11/597,565 : **DECISION DISMISSING PETITION**
Filed: February 20, 2007 : **UNDER 37 CFR 1.313(c)(2)**
Attorney Docket No. Q98641 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed August 9, 2010, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Unfortunately, the petition was not referred to the appropriate deciding official for decision until after the issuance of this application into a patent. However, petitioner's attention is directed to 37 CFR 1.313(d), which states:

A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until 6:30, p.m. which was after the Office was closed. Therefore, as the case has now issued, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed. Accordingly, the \$810 filing fee and the \$130 petition fee submitted are unnecessary and will be refunded in due course.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Petitioner is advised that while petitions to withdraw from issue may be electronically filed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions and followed up with a phone call to ensure receipt. *See* MPEP § 1308.

Telephone inquiries regarding this decision should be directed to undersigned at (571) 272-1642. all other inquiries concerning this application should be directed to the Office of Data Management

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
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NIXON PEABODY LLP
300 S. Riverside Plaza, 16th
Floor
CHICAGO IL 60606-6613

MAILED
APR 11 2011
OFFICE OF PETITIONS

In re Application of :
Brown et al. :
Application No. 11/597,579 : ON APPLICATION FOR
Filed: September 27, 2007 : PATENT TERM ADJUSTMENT
Atty Docket No. MSE-2705 :

This is in response to the APPLICATION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT, filed August 23, 2010. The petition will be treated under 37 C.F.R. § 1.705(b). Applicants submit that the patent term adjustment to be indicated on the patent is at least six hundred forty-three (643) days, not one hundred seventy-four (174) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction partly on the basis that the Office will take in excess of three years to issue this patent.

In addition, applicants argue the Office improperly calculated the 14 month delay period under 37 CFR 1.1.703(a)(1) because the Office calculated the period based on a September 27, 2007 date of fulfilment of requirements under 35 U.S.C. 371.

To the extent that applicants request reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). This is true even in this instance where a request for continued examination (RCE) was filed. The computer will not undertake the § 1.702(b)

calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent or even the filing date of the request for continued examination is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.¹

To the extent that applicant otherwise requests correction of the initial determination of patent term adjustment (PTA), the application for patent term adjustment is **DISMISSED**.

¹ For example, if an applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

On June 2, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 174 days.

Applicants dispute the period of adjustment of 231 days for Office delay in mailing at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application fulfilled the requirements of 35 U.S.C. 371 in an international application. Applicants contend the period of reduction should be 536 days. Applicants assert that all requirements of 35 U.S.C. 371(c) were met on November 27, 2006. Therefore, applicants argue that November 27, 2006 should be the date from which the 14 month period is calculated. The Office calculated the 14 month period from September 27, 2007, which is the completion date.

Applicants are informed that the date of completion of all 35 U.S.C. 371 requirements is relevant for purposes of patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)(II) and 37 CFR 1.702(a)(1) when the Office has failed to mail a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than 14 months after the date on which the requirements under 35 U.S.C. 371 were fulfilled. This date is the latest of:

- (A) the date of submission of the basic national fee;
- (B) the date of submission or communication of the copy of the international application;
- (C) the date of submission of the translation of the international application if the international application is not in the English language;
- (D) the date of submission of an oath or declaration of the inventor in compliance with 35 U.S.C. 371(c)4)
- (E) the earlier of 30 months from the priority date or the date of request for early processing under 35 U.S.C. 371(f) if requested prior to 30 months from the priority date;
- (F) if a request for early processing has not been requested prior to 30 months from the priority date, the date of submission of any translation of the annexes to the international preliminary examination report if the translation of the annexes are filed within the time period set in a Notification of Missing Requirements requiring either an English translation of the international application or an oath or declaration; and

- (G) the date of submission of any surcharge for submitting the oath or declaration later than 30 months from the priority date.

Early processing was requested in this application. However, applicants did not meet early processing requirements. On July 13, 2007, the Office issued a Notification of Missing Requirements Under 35 U.S.C. 371, which indicated that all requirements under 35 U.S.C. 371 had been fulfilled on November 27, 2006, except that an oath or declaration by the inventors had not been submitted. On September 27, 2007, applicants filed a declaration executed by both joint inventors and paid the \$130.00 late declaration surcharge. On November 5, 2007 the Office mailed a filing receipt showing a 371(c) date of September 27, 2007 for the application.

It is noted that applicants did not argue against the September 27, 2007 § 371(c) date until the present petition was filed, almost three years later.

Applicants argue the Office received a declaration of the inventors on November 27, 2006 and have provided a copy of their date stamped, itemized postcard receipt that establishes a "Copy of Declaration For Patent Application" was received in the Office on November 27, 2006. Applicants state the September 27, 2007 declaration is a copy of the declaration that was filed on November 27, 2006.

However, this is not the case, as the declaration filed on September 27, 2007 was executed by the joint inventors in September of 2007. Thus, the declaration filed on September 27, 2007 cannot possibly be the declaration that was filed on November 27, 2006.

The completion date is properly set at September 27, 2007, which is the date of submission of the declaration executed in 2007. Applicants could have timely resubmitted the declaration allegedly filed on November 27, 2006 after they received the July 13, 2007 Notification of Missing Requirements Under 35 U.S.C. 371. Instead applicants filed a newly executed declaration and submitted the \$130.00 late declaration surcharge on September 27, 2007. Applicants thereby chose to fulfill the § 371 requirements on September 27, 2007.

Entry of the period of reduction of 231 days, beginning on November 28, 2008, which is the date after 14 months after the

date of completion, and ending on July 16, 2009, the date a non-final Office action was mailed, is warranted.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance remains 174 days -(231 days of Office delay - 57 days of Applicant delay).

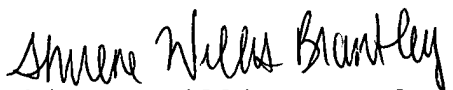
The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Applicants filed a supplemental declaration and a \$130.00 late declaration surcharge on December 13, 2010. As the declaration filed September 27, 2007 completed the § 371 requirements, the \$130.00 late declaration surcharge paid on December 13, 2010 is unnecessary and is being refunded to applicants' deposit account.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3230.



Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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OCT 28 2010

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James V Costigan
Hedman & Costigan
1185 Avenue of the Americas
New York NY 10036-2646

PCT LEGAL ADMINISTRATION

In re Application of :
TESSARI, Lorenzo, et al. :
U.S. Application No.: 11/597,580 :
PCT No.: PCT/IB2005/001693 :
Int'l Filing Date: 25 May 2005 :
Priority Date: 26 May 2004 :
Attorney's Docket No.: 163-726 :
For: USE IN THE MEDICAL, DIAGNOSTIC :
AND PHLEBOLOGICAL FIELD OF A :
MIXTURE OF STERILE AND :
PHYSIOLOGICALLY ACCEPTABLE :
PURPOSES :

DECISION

This decision is in response to applicant's petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office on 22 April 2009.

On 22 April 2009, applicant filed a request to remove the indication of an assignee from the application and to know who filed the assignment.

An assignment was not recorded in this application. The indication of an assignee on the filing receipt was in error. A corrected filing receipt will be mailed separately.

For the reasons discussed above, the Petition Under 37 CFR 1.181 for a corrected filing receipt is **GRANTED**.

This application was referred to the National Stage Processing Branch of the Office of Patent Application Processing for further action in accordance with this decision, including the mailing of a corrected filing receipt.

/Erin P. Thomson/

Erin P. Thomson
Attorney Advisor
PCT Legal Administration

Telephone: 571-272-3292

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : **04/22/11**

TO SPE OF : ART UNIT: **1652** Attn: **MONDESI ROBERT B (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/597609** Patent No.: **7919300**

C of C Mailroom date: 04/12/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1593 or 703-756-1814

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

ROBERT MONDESI
SUPERVISORY PATENT EXAMINER



SPE

1652

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/11/11

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 11597789 Patent No.: 7765051

CofC mailroom date:
12/27/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION



11/12/10

STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

SPE

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 01/11/11

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction for Appl. No.: 11597789 Patent No.: 7765051

CofC mailroom date:

12/27/10

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-270-9990

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

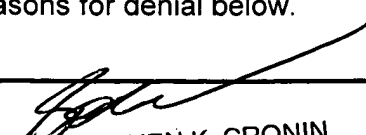
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____


STEPHEN K. CRONIN
SUPERVISORY PATENT EXAMINER

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

SPE

Art Unit



UNITED STATES PATENT AND TRADEMARK OFFICE

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PARK LAW FIRM
3255 WILSHIRE BLVD
SUITE 1110
LOS ANGELES, CA 90010

MAILED
OCT 13 2011
OFFICE OF PETITIONS

In re Application of
Swang Suck Suh, et al.
Application No. 11/597,864
Filed: September 18, 2008
Attorney Docket No. 2128.03

:
:
: DECISION ON PETITION
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2011 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, February 1, 2011, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 2, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, (2) the petition fee of \$930, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 1798 for appropriate action by the Examiner in the normal course of business on the reply received September 27, 2011.

April M. Wise
Petitions Examiner
Office of Petitions



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KRATZ, QUINTOS & HANSON, LLP
1420 K STREET, N.W.
4TH FLOOR
WASHINGTON DC 20005

MAILED

OCT 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Takamasa SUZUKI	:	
Application No. 11/597,913	:	DECISION ON PETITION
Filed: August 20, 2007	:	TO WITHDRAW
Attorney Docket No. 060887	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed September 4, 2010.

The request is **NOT APPROVED**.

The Office will no longer approve requests from practitioners to withdraw from applications where the requesting practitioner is acting, or has acted, in a representative capacity pursuant to 37 CFR 1.34. In these situations, the practitioner is responsible for the correspondence the practitioner files in the application while acting in a representative capacity. As such, there is no need for the practitioner to obtain the Office's permission to withdraw from representation. However, practitioners acting in a representative capacity, like practitioners who have a power of attorney in the application, remain responsible for noncompliance with 37 CFR 1.56, as well as 37 CFR 10.18, with respect to documents they file.

A review of the file record indicates that James E. Armstrong does not have power of attorney in this patent application. See 37 C.F.R. § 10.40. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

Further, the request cannot be approved because the attorneys of record were not appointed by Customer Number 21874, as indicated.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/DCG/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: IMPULSE JAPAN, INC.
7F, HIMAWARI KOTO BUILDING,
6-57-14, KAMEIDO, KOTO-KU
TOKYO 136-0071 JAPAN



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

Mail Date: 08/31/2010

Applicant	: Akio Sumizawa	: DECISION ON REQUEST FOR
Patent Number	: 7653482	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/597,937	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/29/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **556** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



UNITED STATES PATENT AND TRADEMARK OFFICE

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HENRI DUONG
316 1/2 E GLENDON WAY
ALHAMBRA CA 91801

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of :
Henri Duong :
Application No. 11/598,125 : LETTER
Filed: November 13, 2006 :
Title: Propeller Blades Propelling :
for All :

This is in response to applicant's paper filed December 3, 2010, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 5, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on April 29, 2010, but by Advisory Action mailed May 7, 2010, the Examiner advised Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Request for Continued Examination (RCE) on June 1, 2010, together with a letter requesting that the Office apply fees paid in petitioner's other applications towards the \$405 RCE fee. Specifically, petitioner requested that the Office apply a \$250 "rival fee" for a petition to revive under 37 CFR 1.137(a) filed in application No. 10/725,226, and an "unused fee" of \$130, paid for accelerated examination of application No. 10/867,330. Together with his request to apply these fees, petitioner included \$25 to cover the \$405 fee for the RCE. The

The Notice of Abandonment was properly mailed. Petitioner only submitted \$25 towards payment of the RCE.. Furthermore, the Notice of Abandonment was correct in that alleged excess payments paid in other applications is not an acceptable form of payment. If petitioner believes he is entitled to a refund of a fee paid in an application, petitioner should make such a request in writing, directed to that particular application. It is noted that with respect to the "rival fee" paid for the petition to revive an unavoidably application in application No. 10/725,226, the \$250 petition fee was a requirement for the mere filing of the petition, and is not a petition "grant" fee. Because that application was eventually revived under the unintentional provisions of 37 CFR 1.137(b) does not mean that petitioner is entitled to a refund of the \$250 unavoidable petition fee. Petitioner paid for the filing of the unavoidable petition, and received a decision on that petition.

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from obtaining relief by filing a petition pursuant to **37 CFR 1.137(b)** on the basis of **unintentional** delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m), currently \$810; and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. A form for a petition to revive under 37 CFR 1.137(b) is enclosed for petitioner's convenience.

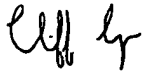
By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

Application No. 11/598,125

Page 3

By FAX: (571)273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
Privacy Act Statement (1 page)



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www.uspto.gov

HENRI DUONG
316 1/2 E GLENDON WAY
ALHAMBRA CA 91801

MAILED

FEB 28 2011

OFFICE OF PETITIONS

In re Application of :
Henri Duong :
Application No. 11/598,125 : LETTER
Filed: November 13, 2006 :
Title: Propeller Blades Propelling :
for All :

This is in response to the petition to revive under 37 CFR 1.137(b), filed January 21, 2011.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 5, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on April 29, 2010, but by Advisory Action mailed May 7, 2010, the Examiner advised Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Request for Continued Examination (RCE) on June 1, 2010, together with a letter requesting that the Office apply fees paid in petitioner's other applications towards the \$405 RCE fee. Specifically, petitioner requested that the Office apply a \$250 "rival fee" for a petition to revive under 37 CFR 1.137(a) filed in application No. 10/725,226, and an "unused fee" of \$130, paid for accelerated examination of application No. 10/867,330. Together with his request to apply these fees, petitioner included \$25 to cover the \$405 fee for the RCE. The Office mailed a Notice of Abandonment on November 30, 2010,

stating that the application was abandoned because applicant only paid \$25 for the RCE. The Notice informed applicant that alleged excess payments from other applications is not an acceptable form of payment. Applicant filed a petition to withdraw the holding of abandonment on December 3, 2010. However, the petition was dismissed in a decision mailed on January 18, 2011.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) - currently \$810 for a small entity; (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

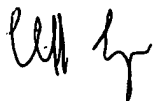
The instant petition has not satisfied requirement (2). Applicant has not submitted the petition fee, and as such, the petition will not be considered on the merits.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: PTO/SB/64 (2 pages)
 Privacy Act Statement (1 page)



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www.uspto.gov

HENRI DUONG
316 1/2 E GLENDON WAY
ALHAMBRA CA 91801

MAILED
MAR 21 2011
OFFICE OF PETITIONS

In re Application of :
Henri Duong :
Application No. 11/598,125 : LETTER
Filed: November 13, 2006 :
Title: Propeller Blades Propelling :
for All :

This is in response to the letter filed March 4, 2011, which is being treated as a renewed petition to revive under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(b) is **DISMISSED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 5, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on April 29, 2010, but by Advisory Action mailed May 7, 2010, the Examiner advised Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Request for Continued Examination (RCE) on June 1, 2010, together with a letter requesting that the Office apply fees paid in petitioner's other applications towards the \$405 RCE fee. Specifically, petitioner requested that the Office apply a \$250 "rival fee" for a petition to revive under 37 CFR 1.137(a) filed in application No. 10/725,226, and an "unused fee" of \$130, paid for accelerated examination of application No. 10/867,330. Together with his request to apply these fees, petitioner included \$25 to cover the \$405 fee for the RCE. The

Office properly mailed a Notice of Abandonment on November 30, 2010, stating that the application was abandoned because applicant only paid \$25 for the RCE. The Notice informed applicant that alleged excess payments from other applications is not an acceptable form of payment. Applicant filed a petition to withdraw the holding of abandonment on December 3, 2010. However, the petition was dismissed in a decision mailed on January 18, 2011.

A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m) - currently \$810 for a small entity; (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) Any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has not satisfied requirement (2). Applicant has not submitted the petition fee. Applicant states that he is not submitting the petition fee, because "it was not a mistake caused by the applicant". However, the fee required for a petition to revive is set by statute.

Moreover, as explained above, the mistake was in fact caused by applicant. Applicant did not submit the \$405 fee for the RCE on June 1, 2010, but rather requested that the office apply other fees paid in other applications. **This is not permissible.** In particular, the Office could not transfer the \$250 fee paid for the 37 CFR 1.137(a) petition in application No. 10/725,226, on September 28, 2006. Petitioner paid the \$250 fee, and received a decision on the merits on October 16, 2006. The fee for a petition to revive is required for the mere filing of the petition. In other words, it is a petition "filing fee", not a petition "grant fee". Furthermore, applicant has already previously been notified of this: applicant filed a request for a refund of the fee in the 10/725,226 application on January 25, 2008, which was dismissed in a decision mailed on March 12, 2008.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents

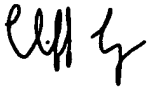
Application No. 11/598,125

Page 3

PO Box 1450
Alexandria VA 22313-1450

By FAX: 571-273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed
to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HENRI DUONG
316 1/2 E GLENDON WAY
ALHAMBRA CA 91801

MAILED
MAY 13 2011
OFFICE OF PETITIONS

In re Application of :
Henri Duong :
Application No. 11/598,125 : LETTER
Filed: November 13, 2006 :
Title: Propeller Blades Propelling :
for All :

This is in response to the letter filed May 5, 2011, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition under 37 CFR 1.181 is **DISMISSED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 5, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on April 29, 2010, but by Advisory Action mailed May 7, 2010, the Examiner advised Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Request for Continued Examination (RCE) on June 1, 2010, together with a letter requesting that the Office apply fees paid in petitioner's other applications towards the \$405 RCE fee. Specifically, petitioner requested that the Office apply a \$250 "rival fee" for a petition to revive under 37 CFR 1.137(a) filed in application No. 10/725,226, and an "unused fee" of \$130, paid for accelerated examination of application No. 10/867,330. Together with his request to apply these fees, petitioner included \$25 to cover the \$405 fee for the RCE. The

Office properly mailed a Notice of Abandonment on November 30, 2010, stating that the application was abandoned because applicant only paid \$25 for the RCE. The Notice informed applicant that alleged excess payments from other applications is not an acceptable form of payment.

Applicant filed a petition to withdraw the holding of abandonment on December 3, 2010. However, the petition was dismissed in a decision mailed on January 18, 2011. Applicant then filed a petition to revive under 37 CFR 1.137(b) on January 21, 2011. However, because applicant did not submit the petition fee, the petition was dismissed without being considered on the merits in a decision mailed on February 28, 2011. Applicant filed another petition to revive on March 4, 2011, which was again dismissed due to the lack of the petition fee in a decision mailed on March 21, 2011.

With the instant renewed petition, applicant still refers to the \$250 paid on September 28, 2006 in application No. 10/725,226 as an "unused fee". As previously explained to applicant, this fee was not an "unused fee". Applicant paid the \$250 fee, and in turn received a decision on the merits on October 16, 2006. That the decision (a dismissal) was not to applicant's liking does not make it an "unused fee". The fee for a petition to revive is required for the mere filing of the petition. In other words, it is a petition "filing fee", not a petition "grant fee". Furthermore, applicant has already previously been notified of this: applicant filed a request for a refund of the fee in the 10/725,226 application on January 25, 2008, which was dismissed in a decision mailed on March 12, 2008.

Also with the instant renewed petition, applicant alludes to the fact that the Office should withdraw the holding of abandonment due to the supposed worth and value of applicant's invention to the United States government. However, this has no bearing on the Office's consideration of a petition to withdraw the holding of abandonment. For a discussion of petitions to withdraw the holding of abandonment and petitions to revive, see MPEP 711.03(c).

Further correspondence with respect to this matter should be addressed as follows:

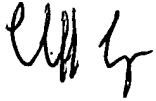
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Application No. 11/598,125

Page 3

By FAX: 571-273-8300
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.

A handwritten signature in black ink, appearing to read 'Cliff Congo', is positioned above the typed name.

Cliff Congo
Petitions Attorney
Office of Petitions



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United States Patent and Trademark Office
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HENRI DUONG
316 1/2 E GLENDON WAY
ALHAMBRA CA 91801

MAILED

JUN 09 2011

OFFICE OF PETITIONS

In re Application of :
Henri Duong :
Application No. 11/598,125 : LETTER
Filed: November 13, 2006 :
Title: Propeller Blades Propelling :
for All :

This is in response to the letter filed May 18, 2011, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **DISMISSED**.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed April 5, 2010. This Office action set a shortened statutory period for reply of three (3) months. Applicant filed a response on April 29, 2010, but by Advisory Action mailed May 7, 2010, the Examiner advised Applicant that the response would not be entered because it failed to place the application in condition for allowance. Applicant filed a Request for Continued Examination (RCE) on June 1, 2010, together with a letter requesting that the Office apply fees paid in petitioner's other applications towards the \$405 RCE fee. Specifically, petitioner requested that the Office apply a \$250 "rival fee" for a petition to revive under 37 CFR 1.137(a) filed in application No. 10/725,226, and an "unused fee" of \$130, paid for accelerated examination of application No. 10/867,330. Together with his request to apply these fees, petitioner included \$25 to cover the \$405 fee for the RCE. The Office properly mailed a Notice of Abandonment on November 30, 2010, stating that the application was abandoned because applicant only paid \$25 for the RCE. The Notice informed applicant that alleged excess payments from other applications is not an acceptable form of payment.

Applicant filed a petition to withdraw the holding of abandonment on December 3, 2010. However, the petition was dismissed in a decision mailed on January 18, 2011. Applicant then filed a petition to revive under 37 CFR 1.137(b) on January 21, 2011. However, because applicant did not submit the petition fee, the petition was dismissed without being considered on the merits in a decision mailed on February 28, 2011. Applicant filed another petition to revive on March 4, 2011, which was again dismissed due to the lack of the petition fee in a decision mailed on March 21, 2011.

Applicant filed a renewed petition on May 5, 2011, in which applicant still referred to the \$250 paid on September 28, 2006 in application No. 10/725,226 as an "unused fee". As previously explained to applicant, this fee was not an "unused fee". Applicant paid the \$250 fee, and in turn received a decision on the merits on October 16, 2006. That the decision (a dismissal) was not to applicant's liking does not make it an "unused fee". The fee for a petition to revive is required for the mere filing of the petition. In other words, it is a petition "filing fee", not a petition "grant fee". Furthermore, applicant has already previously been notified of this: applicant filed a request for a refund of the fee in the 10/725,226 application on January 25, 2008, which was dismissed in a decision mailed on March 12, 2008.

With the instant renewed petition, applicant again refers to the \$250 fee paid for the petition to revive under 37 CFR 1.137(a) (unavoidable delay) in application No. 10/725,226 as an "unused fee". Specifically, applicant points out that because that application was subsequently revived pursuant to 37 CFR 1.137(b) (the unintentional delay petition, which required a \$750 petition filing fee), then the \$250 paid for the 37 CFR 1.137(a) petition was an "unused fee". **Applicant is mistaken.** Applicant states that the application needed "one single fee either unavoidable or unintentional one but not both of them". Had applicant chosen to first file a petition to revive under 37 CFR 1.137(b) (unintentional delay), then applicant is correct - the application would have been revived under the unintentional standard, and no filing of a petition under the unavoidable standard and consideration of that petition would have been needed. However, applicant chose to instead first attempt to revive the application by filing under the more difficult unavoidable standard. Applicant paid the \$250 unavoidable petition fee, filed the unavoidable petition, and received a decision on the merits - a dismissal. Applicant's option at that point was to either file a request for reconsideration under the unavoidable standard, or to file a new petition to revive under the unintentional standard, which required a new \$750 petition

filing fee. Applicant first filed a request for reconsideration, which was once again dismissed. Applicant then filed under the unintentional standard, and the decision was granted and the application was subsequently revived.

Moreover, the Notice of Abandonment in the instant application has previously notified applicant that alleged excess payments from other applications is not an acceptable form of payment.

If applicant feels that he has overpaid an application filing fee in an application, then applicant should file a request for a refund of that fee, directed to the application in question. It is once again noted that applicant filed a request for a refund of the \$250 fee for the unavoidable petition in the 10/725,226 application on January 25, 2008. Applicant's request was dismissed in a decision mailed on March 12, 2008. Applicant appears to be ignoring that decision and raising the same arguments once again in the instant application.

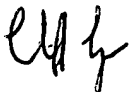
If applicant wishes to revive the instant application, it is recommended that applicant file a petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), which requires a petition filing fee of \$810.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 PO Box 1450
 Alexandria VA 22313-1450

By FAX: 571-273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

Enc: copy of decision on refund request mailed March 12, 2008

Doc Code: PET.PTA.RCAL

Document Description: Request for Recalculation in view of Wyeth

PTO/SB/131 (01-10)

Approved for use through 02/28/2011. OMB 0651-0020

U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT IN VIEW OF *WYETH**

Attorney Docket
Number:

212/959

Patent Number:

7666154

Filing Date

(or 371(b) or (f) Date): **11/06/06**

Issue Date:

02/23/10

First Named
Inventor:

Steven R. Bystrom

Title: **Public Access CPR And AED Device With Varying Levels Of Access**

PATENTEE HEREBY REQUESTS RECALCULATION OF THE PATENT TERM ADJUSTMENT (PTA) UNDER 35 USC 154(b) INDICATED ON THE ABOVE-IDENTIFIED PATENT. THE PATENTEE'S SOLE BASIS FOR REQUESTING THE RECALCULATION IS THE USPTO'S PRE-*WYETH* INTERPRETATION OF 35 U.S.C. 154(b)(2)(A).

Note: This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A). See Instruction Sheet on page 2 for more information.

Patentees are reminded that to preserve the right to review in the United States District Court for the District of Columbia of the USPTO's patent term adjustment determination, a patentee must ensure that he or she also takes the steps required under 35 U.S.C. 154(b)(3) and (b)(4) and 37 CFR 1.705 in a timely manner.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Signature

/K. David Crockett/

Date

August 3, 2010

Name

(Print/Typed)

K. David Crockett, Esq.

Registration Number

34,311

Note: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required in accordance with 37 CFR 1.33 and 1.18. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below*.

☐

*Total of _____ forms are submitted.

The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**Instruction Sheet for:
REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT
IN VIEW OF *WYETH****
(Not to be Submitted to the USPTO)

This form is only for requesting a recalculation of PTA for patents issued before March 2, 2010, if the sole basis for requesting the recalculation is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A).

This form must be filed within 180 days of the day the patent was granted, with the following exception:

Patentees who received a decision from the USPTO under the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) may file a request for reconsideration of that decision if such a request for reconsideration is filed within **two months** of the date of the decision (37 CFR 1.181(f)). If the patentee's sole basis for requesting reconsideration of the decision is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A), the request for reconsideration need only state that reconsideration is being requested in view of *Wyeth* (this form may be used for this purpose if it is filed within **two months** of the date of the decision from the USPTO).

Do not use this form if the application has been allowed, but not yet issued as a patent.

- 1. For patents issued before March 2, 2010:** A request for reconsideration under 37 CFR 1.705(d) and the fee set forth in 37 CFR 1.18(e) are not required, provided that the patentee's sole basis for requesting recalculation of the PTA in the patent is the USPTO's pre-*Wyeth* interpretation of 35 U.S.C. 154(b)(2)(A) and this form is filed within 180 days of the day the patent was granted.
- 2. For patents issued on or after March 2, 2010 (do not use this form):** Patentees seeking a revised PTA in a patent issued on or after March 2, 2010, must file a request for reconsideration under 37 CFR 1.705(d) that complies with the requirements of 37 CFR 1.705(b)(1) and (b)(2) within two months of the day the patent issued.

For more information, see "Notice Concerning Calculation of the Patent Term Adjustment With Respect to the Overlapping Delay Provision of 35 U.S.C. 154(b)(2)(A)" available on the USPTO Web site at <http://www.uspto.gov/patents/law/notices/2010.jsp>.

**Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010).

Privacy Act Statement

The **Privacy Act of 1974 (P.L. 93-579)** requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that: (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (*i.e.*, GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CROCKETT & CROCKETT, P.C.
26020 ACERO
SUITE 200
MISSION VIEJO, CA 92691

Mail Date: 08/12/2010

Applicant	: Steven R. Bystrom	: DECISION ON REQUEST FOR
Patent Number	: 7666154	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 11/598,161	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/06/2006	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.



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FULBRIGHT & JAWORSKI L.L.P
2200 ROSS AVENUE
SUITE 2800
DALLAS TX 75201-2784

MAILED
AUG 19 2010
OFFICE OF PETITIONS

In re Application of :
Kalavade :
Application No. 11/598,287 : ON APPLICATION FOR
Filed: November 13, 2006 : PATENT TERM ADJUSTMENT
Atty Docket No. :
75289/P007C1/10814220 :
Title: MOBILE SERVICES :
CONTROL PLATFORM PROVIDING A :
CONVERGED VOICE SERVICE :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b), filed July 21, 2010. Applicants request that the patent term adjustment be corrected from zero (0) days to sixty-nine (69) days.

The request for reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) is DISMISSED.

Applicant is given **TWO MONTHS** from the mail date of this decision to respond. No extension of time will be granted under 37 C.F.R. § 1.136.

On June 11, 2010, the Office mailed a "Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)," which indicated that the Patent Term Adjustment to date was 0 days. The present request for reconsideration filed July 21, 2010 was timely filed, as Office records show that the issue fee has yet to be submitted. See § 1.705(b). Applicant asserts that the reduction of 750 days that is associated with the filing of two supplemental responses was improperly calculated, and that the reduction should total 511 days. At issue is the date on which the period for reduction should commence.

Applicant's assertion is inaccurate.

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply after a reply has been filed is a failure to engage in reasonable efforts to conclude prosecution, such that the "period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, *beginning on the day after the date the initial reply was filed* (emphasis added) and ending on the date that the supplemental reply or other such paper was filed."

Applicant asserts that "the correct time to start the penalty countdown should be 12/4/2008 with the filing of the 1st Information Disclosure Statement and not on the date of filing the 1st Amendment and Terminal Disclaimer."¹ As such, Applicant would have the period of reduction begin not on the day after the date on which the initial reply was filed, but rather on the date on which the supplemental response was filed. Applicant is mistaken, as 37 C.F.R. § 1.704(c)(8) indicates that the period of reduction commences not on the day on which the first supplemental reply is filed, but rather on the day after the date the initial reply (the amendment which was submitted on April 9, 2008) was filed.

It is noted in passing that neither of the Information Disclosure Statements submitted on December 4, 2008 and April 29, 2010 contain the statement contained within 37 C.F.R. § 1.704(d).²

In view thereof, the patent term adjustment of 0 (671 minus 841) days indicated in the "Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)," is correct.

The Office acknowledges submission of the \$200.00 fee set forth in 37 C.F.R. § 1.18(e). No additional fees are required.

Any response to this decision should indicate in a prominent manner that the attorney handling this matter is Paul Shanowski, and may be submitted by mail,³ hand-delivery,⁴ or facsimile.⁵

¹ Petition, page 2.

² "A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable."

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision may directed to Senior Attorney Paul Shanowski at (571) 272-3225⁶.



Anthony Knight
Director
Office of Petitions

3 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

4 Customer Window, Randolph Building, 401 Dulany Street, Alexandria, VA, 22314.

5 (571) 273-8300 - please note this is a central facsimile number.

6 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.



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ELMORE PATENT LAW GROUP, PC
515 Groton Road
Unit 1R
Westford MA 01886

MAILED
NOV 03 2010
OFFICE OF PETITIONS

In re Application of :
Dordick et al. :
Application No. 11/598,306 : ON APPLICATION FOR
Filed: November 13, 2006 : PATENT TERM ADJUSTMENT
Attorney Docket No. 11598,306 :
Title: BIOCATALYTIC SOLGEL :
MICROARRAYS :

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 CFR §1.705," filed April 22, 2010. This request is properly treated under 37 CFR 1.705(b). Applicants submit that the correct patent term adjustment to be indicated on the patent is two hundred ninety-one (291) days, not zero (0) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment.

The request for review of the patent term adjustment is **Dismissed**.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

On March 26, 2010, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated the patent term adjustment to date is 0 days.

Applicants dispute the lack of Office adjustments. Applicants contend that the August 14, 2008 amendment overcame all of the rejections and placed the application in condition for allowance. Thus, applicants argue they are entitled to a 467 day adjustment pursuant to 37 CFR 1.703(a)(2).

The Office has considered applicants' argument but does not find it persuasive. 37 CFR 1.702(a)(2) provides that:

Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:

Respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken;

A review of the record shows that there were no days for which the Office exceeded four months in responding to a reply from applicant. As such an adjustment of 467 days is not warranted. To the extent applicants believed that the non-final and final Office actions mailed after August 14, 2008 were in error, applicants recourse was to file a petition seeking review of the Notice and or the Office actions pursuant to 37 CFR 1.181 (a)(3). Further, the Notice of Allowability states the allowance was based upon the appeal brief filed on December 22, 2009.

As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance.

In view thereof, it is concluded that the determination of patent term adjustment at the time of the mailing of the Notice of Allowance is zero (0) days.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant, at (571) 272-3215.



Anthony Knight
Director
Office of Petitions

See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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WHITEFORD, TAYLOR & PRESTON, LLP
ATTN: GREGORY M STONE
SEVEN SAINT PAUL STREET
BALTIMORE MD 21202-1626

MAILED

JAN 24 2011

OFFICE OF PETITIONS

ON PETITION

In re Application of
Friedman
Application No. 11/598,353
Filed: November 13, 2006
Attorney Docket No. 009053/00061
For: DISPENSING VALVE FOR FLUIDS
STORED UNDER PRESSURE

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2010, to revive the above-identified application.


This application became abandoned for failure to properly respond to the final Office action, mailed January 25, 2010, which set an extendable three month period for reply. Applicants submitted an amendment after final on April 26, 2010 (a Monday). The amendment after final failed to place this application in *prima facie* condition for allowance, as was explained in the May 7, 2010 Advisory action. Accordingly, this application became abandoned on April 26, 2010. A Notice of Abandonment was mailed on July 30, 2010

Applicant has submitted a RCE and \$405.00 required fee and a request to use the previously filed amendment of April 26, 2010 as the submission in reply to the January 25, 2010 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the January 25, 2010 final Office action, and the \$810.00 petition fee.

The petition is **GRANTED**.

This application is being referred to Technology Center AU 3754 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment previously submitted.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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KYLE A. CAHOON
BOX 92
WARBER AB TOK 2L0 CA
CANADA

MAILED
SEP 17 2010
OFFICE OF PETITIONS

In re Application of :
Kyle A. Cahoon :
Application No. 11/598,369 : **DECISION ON PETITION**
Filed: November 13, 2006 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 21, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed June 19, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 20, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an election, (2) the petition fee of \$810, and (3) a proper statement of unintentional delay.

In view of the above, the petition is **GRANTED**.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning the examination or status of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3629 for appropriate action by the Examiner in the normal course of business on the reply received July 21, 2010.

A handwritten signature in black ink, appearing to read 'April M. Wise'.

April M. Wise
Petitions Examiner
Office of Petitions

cc: BONNIE LYNN CAHOON
5105 - 24th AVE. S.
LETHBRIDGE, AB T1K 7C2
CANADA



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CUMMINS-ALLISON CORP.
C/O NIXON PEABODY LLP
300 S. Riverside Plaza
16th Floor
CHICAGO IL 60606

In re Patent No. 7,946,406	:	DECISION ON REQUEST FOR
Blake et al.	:	RECONSIDERATION OF
Issue Date: 05/24/2011	:	PATENT TERM ADJUSTMENT
Application No. 11/598,370	:	
Filed: 11/13/2006	:	
Atty Docket No. 47171-00456USPT	:	

This is a decision on the petition filed on July 8, 2011, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted to six hundred twenty-three (623) days.

Patentees dispute the exclusion of 218 days from "B delay" for the period consumed by appellate review. Rather, patentees argue that the 218-day period from the filing of the notice of appeal to the mailing date of the subsequent non-final Office action should be considered C delay for which they are entitled. Additionally, patentees assert that an additional 95 days of "A delay" under 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.702(a)(2) is warranted for the "period starting on October 10, 2009 (4 months from date of filing of Notice of Appeal on June 10, 2009) and ending on January 13, 2010 (date of filing of third non-final office action)." *Petition, p. 8.*

To the extent patentees request reconsideration of the patent term adjustment on the basis that they are entitled to an

additional period of adjustment pursuant to 37 CFR 1.702(a)(2), the petition is **DISMISSED AS UNTIMELY FILED.**

Consideration under 37 CFR 1.705(d) of patentees' request for an additional period of adjustment of 95 days of "A delay" is not appropriate.¹ Rather, this issue should have been timely raised in an application for patent term adjustment under 37 CFR 1.705(b). An application for patent term adjustment must be filed no later than the payment of the issue fee but may not be filed earlier than the date of mailing of the notice of allowance and must be accompanied by the fee set forth in § 1.18(e).

As stated in MPEP 2730, § 1.703(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

To the extent patentees request reconsideration of the patent term adjustment as it relates to the exclusion of 218 days from "B delay" for the period consumed by appellate review, the petition is **DISMISSED.**

The period consumed by appellate review, whether successful or not, is excluded from the calculation of "B delay". See 35 U.S.C. 154(b)(1)(B)(ii). An appeal to the Board of Patent

¹ The Office reminds patentees that there is no specified time frame for the Office to take action in response to the filing of a notice of appeal to avoid entry of a period of adjustment. The filing of a notice of appeal is not "an appeal taken under 35 U.S.C. 134" within the meaning of 1.702(a)(2). The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 134 means the date on which an appeal brief in compliance with 37 CFR 41.37 (and not a notice of appeal) was filed.

Appeals and Interferences commences with the filing of a notice of appeal. See 35 U.S.C. 134(a). Generally, an appeal to the Board of Patent Appeals and Interferences ends with either 1) a Board decision, 2) the examiner reopening prosecution and issuing another Office action, or 3) the applicant filing a request to withdraw the appeal and reopen prosecution (e.g. the filing of a request for continued examination). In this instance the period consumed by appellate review is 218 days, beginning on June 10, 2009, the date of filing of the notice of appeal and ending on January 13, 2010, the subsequent date of the mailing of the non-final Office action. Thus, B delay is 339 (557-218) days.

It is noted that the Office issued a Notice of proposed rulemaking entitled *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review and Information Disclosure Statements*, 76 FR 18990 (April 6, 2011). To the extent that the final rule on *Revision of Patent Term Extension and Adjustment Provisions Relating to Appellate Review* revises the interpretation of appellate review applied in this decision, Patentees are given one (1) month or thirty (30) days, whichever is longer, from the date of the final rule to file a request for reconsideration. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges the payment of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

C. F. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



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SIMPSON & SIMPSON, PLLC
5555 MAIN STREET
WILLIAMSVILLE NY 14221-5406

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DEC 28 2010

In re Application of
Lucy Mitchell
Application No. 11/598,386
Filed: November 13, 2006
Attorney Docket No. 1441.0100

OFFICE OF PETITIONS

**DECISION ON PETITION
UNDER 37 CFR 1.137(b)**

This is a decision on the petition, filed November 10, 2010, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on November 9, 2007. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 22(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

- (1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
- (2) the petition fee as set forth in 37 CFR 1.17(m); and
- (3) a statement that the entire delay in filing the required reply from the due date of the reply until the filing of a grantable petition was unintentional.

The instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

A Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) that was previously filed on April 29, 2008 was acknowledged on May 13, 2008. A Notice Regarding Rescission of Nonpublication Request set forth a publication date of August 21, 2008.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being forwarded to Technology Center 3644 for processing of the reply received November 10, 2010.

/Kimberly Inabinet/

Kimberly Inabinet
Petitions Examiner
Office of Petitions



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MCCARTER & ENGLISH, LLP
NEWARK
FOUR GATEWAY CENTER
100 MULBERRY STREET
NEWARK NJ 07102

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AUG 27 2010
OFFICE OF PETITIONS

In re Patent No. 7,717,873	:	
Swick	:	DECISION DISMISSING
Application No. 11/598,471	:	REQUEST FOR
Issue Date: May 18, 2010	:	RECONSIDERATION OF
Filed: November 13, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No.	:	UNDER 37 CFR 1.705
PPC-837 (DIV)	:	

This is in response to the "Disclosure Letter Patent Term Adjustment Determination 37 CFR 1.705" filed June 22, 2010, which will be treated pursuant to 37 CFR 1.705(d)¹. Patentee requests that the determination of patent term adjustment be reviewed for accuracy.

The request for reconsideration of patent term adjustment is **DISMISSED** with respect to making any change in the patent term adjustment determination under 35 U.S.C. § 154(b) of 333 days.

No consideration will be given to patentee's assertion that additional reductions to the patent term adjustment may be warranted. Further to this point, PALM records indicate that the issue fee payment was received in the Office on October 14, 2009. No application for patent term adjustment under 37 CFR 1.705(b) preceded the payment of the issue fee. The period for

¹ It is noted that patentee filed the instant petition as a "candor letter". The Office is no longer treating letters submitted by patentees, or applicants, stating that the patent term adjustment is greater than what patentee believes is appropriate. If patentees wish the Office to reconsider the patent term adjustment determination, patentees must use the procedures set forth in 37 CFR 1.705. See 75 Fed. Reg. 42079. It is in this vein that the instant petition is dismissed as having presented an untimely argument under 37 CFR 1.705(d) that was most appropriately filed under 37 CFR 1.705(b) prior to the payment of the issue fee.

filing an application for patent term adjustment requesting reconsideration of the initial determination of patent term adjustment at the time of mailing of the notice of allowance ended March 29, 2010. Accordingly, relative to any additional reduction to the patent term adjustment entered prior to the mailing of the notice of allowance, it is appropriate to dismiss this petition as untimely filed under § 1.705(b).

Further, consideration under § 1.705(d) is not appropriate. As stated in MPEP 2730, § 1.703(d) provides that:

If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

The issue of the additional reduction to the patent term adjustment raised herein should have been timely raised on application for patent term adjustment under § 1.705(b).

Patentee presented no argument under 37 CFR 1.705(d) relative to the adjustments and/or reductions which were entered, or should have been entered, pursuant to 37 CFR 1.704(c)(10) or 37 CFR 1.702(b)

In view thereof, the Office affirms that the revised determination of patent term adjustment at the time of the issuance of the patent is 333 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,489	11/13/2006	David Kruse	14917.0522US11	9332
27488 7590 06/24/2011 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER ARCOS, JEISON C	
			ART UNIT 2113	PAPER NUMBER
			MAIL DATE 06/24/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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JUN 24 2011

TECHNOLOGY CENTER 2100

Albert W. Vredevel
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

In re Application of:
David KRUSE et al.
Appl. No.: 11/598,489
Filed: November 13, 2006
For: CLIENT EXTENDED ERROR HANDLING

DECISION ON PETITION
UNDER 37 CFR 1.59

This is a decision on the renewed petition under 37 CFR 1.59(b), filed on May 17, 2011 to expunge information submitted pursuant to MPEP § 724.05.

The petition is **GRANTED**.

Petitioner requests that the documents in sealed envelopes submitted on January 25, 2008 be expunged from the record. Petitioner states that the materials are proprietary subject. The petition fee set forth in 37 CFR 1.17(g) has been previously paid.

Applicant is required to retain the expunged documents for the life of any patent, which issues on the above-identified application.

The expunged documents have been removed from the official file but will not be returned to Applicant. The documents will be forwarded to the shred room to be shredded. The petition and support documents have been closed from public view.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3595.

/Brian L. Johnson/

Brian L. Johnson, SPRE/QAS
Technology Center 2100
Computer Architecture and Software



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MAILED

JUN 23 2011

OFFICE OF PETITIONS

**HARVEY CONSULTING PLLC
PO BOX 6568
NIRMAN OK 73072**

In re Application of	:	
Keith BRINK	:	ON PETITION
Application No. 11/598,499	:	
Filed: November 13, 2006	:	
Atty. Docket No.: 16-00320-01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mailing date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)". This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The application went abandoned for failure to reply in a timely manner to the non-final Office action mailed July 15, 2009, which set a period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were received. The application became abandoned on October 16, 2009. A Notice of Abandonment was mailed February 19, 2010.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay for filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The petition lacks item (1).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$555 extension of time fee submitted with the petition on May 14, 2011 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Regarding item (1), Petitioner has provided a response to the non-final Office action mailed July 15, 2009, however the response is unsigned.

Telephone inquiries regarding this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

A handwritten signature in cursive script, appearing to read "David Bucci for".

David Bucci
Petitions Examiner
Office of Petitions



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United States Patent and Trademark Office
P.O. Box 1450

MAILED

AUG 12 2011

OFFICE OF PETITIONS

**HARVEY CONSULTING PLLC
PO BOX 6568
NIRMAN OK 73072**

In re Application of	:	
Keith BRINK	:	ON PETITION
Application No. 11/598,499	:	
Filed: November 13, 2006	:	
Atty. Docket No.: 16-00320-01	:	

This is a decision to the renewed petition under 37 CFR 1.137(b), filed July 21, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The application went abandoned for failure to reply in a timely manner to the non-final Office action mailed July 15, 2009, which set a period for reply of three (3) months. No reply was received, and no extensions of time under the provisions of 37 CFR 1.136(a) were received. The application became abandoned on October 16, 2009. A Notice of Abandonment was mailed February 19, 2010.

The petition satisfies the conditions for revival pursuant to 37 CFR 1.137(b) by including (1) a reply in the form of a response to the non-final Office action mailed July 15, 2009, (2) a petition fee of \$810 (small entity), and (3) a statement of unintentional delay. The reply to the non-final Office action is accepted as having been unintentionally delayed.

It is noted that Petitioner has paid the fee for petition under 37 CFR 1.137(b) three times (May 14, 2011, and twice on July 21, 2011). Therefore, \$1620 will be refunded to petitioner.

Telephone inquiries relating to this decision should be directed to Robert DeWitty, Petitions Attorney, Office of Petitions (571-272-8427).

The application file will be referred to Technology Center Art Unit 3632 for further action on the filed response.


for Anthony Knight
Director
Office of Petitions



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Maximiliano Exiga Jr.
2501 Jean
Pasadena TX 77502

MAILED

APR 21 2011

OFFICE OF PETITIONS

In re Application of :
Maximiliano Exiga Jr. :
Application No. 11/598505 :
Filing or 371(c) Date: 11/13/2006 : **ON PETITION**
Title of Invention: :
AIR FILTRATION DEVICE FOR :
REMOVING TOILET BOWL ODOR AIR :

This is a decision on the petition under 37 CFR 1.137(a), filed February 22, 2011, to revive the above-identified application.

This Petition is hereby **dismissed**.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 15, 2010. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained.

Applicant filed a reply/amendment on September 10, 2010; however, the amendment did not constitute a proper reply, or a bona fide attempt at a proper reply, and failed to place the application in condition for allowance. Accordingly, the date of abandonment of this application is September 16, 2010. A Notice of Abandonment was mailed December 22, 2010.

The present petition

Applicant files the present petition in response to the Notice of Abandonment. No reply to the final Office action has been filed with the present petition, nor has applicant filed the petition fee.

A Grantable Petition Under 37 CFR 1.137(a)

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a notice of appeal and the requisite fee; a continuing application; an amendment or request for reconsideration which *prima facie* places the application in condition for allowance, or a first or second submission under 37 CFR 1.129(a) if the application has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 USC 120, 121 and 365(c); (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

Applicant lacks items (1), (2) and (3) as set forth above.

The petition fee

As to item (2), Applicant is advised that before the merits of Applicant's petition may be considered, the petition fee must be submitted. The fee for a petition under 37 CFR 1.137(a) is currently \$270.00 for a small entity. Before the petition may be considered, the petition fee must be submitted.

Applicant is advised that the Inventor's Assistance Center is available, at 1-800-786-9199, for assistance in prosecuting the patent application.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Director for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (571) 273-8300
 Attn: Office of Petitions

By hand: Customer Service Window
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Telephone inquiries concerning *this matter* should be directed to attorney Derek Woods at (571) 272-3232. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center¹.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See, 37 CFR 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/598,560	11/13/2006	Jiankang Bu	P06704	8164
84306	7590	08/23/2010		
Munck Carter/NSC P.O. Drawer 800889 Dallas, TX 75380			EXAMINER JELSMA, JONATHAN G	
			ART UNIT 1795	PAPER NUMBER
			NOTIFICATION DATE 08/23/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@munckcarter.com
munckcarter@gmail.com



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Mailed: 8/23/10

Re application of:
Bu et al.
Serial No.: 11/598,560
Filed: November 13, 2006
For: SYSTEM AND METHOD FOR PROVIDING
PROCESS COMPLIANT LAYOUT OPTIMIZATION
USING OPTICAL PROXIMITY CORRECTION TO
IMPROVE CMOS COMPATIBLE NON VOLATILE
MEMORY RETENTION RELIABILITY

DECISION ON
PETITION

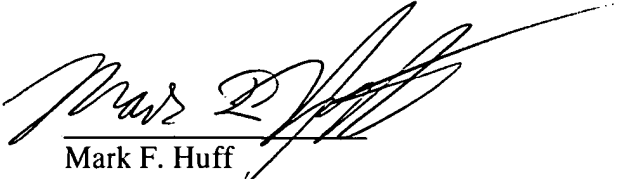
This is a decision on the PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. 1.48(A) filed December 29, 2008. Requirements for the granting of this petition include the following to be submitted:

- (1) A request to correct the inventorship that sets forth the desired inventorship change;
- (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;
- (4) The processing fee set forth in § 1.17(i); and
- (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee

In view of the papers filed 12/29/2008, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by removing David Courtney Parker, Patrick McCarthy, William S. Belcher and Henry G. Prosack, Jr. as inventors..

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

The Petition is **GRANTED**.

A handwritten signature in black ink, appearing to read 'Mark F. Huff', with a long horizontal flourish extending to the right.

Mark F. Huff
Supervisory Patent Examiner
Group Art Unit 1795

Munck Carter/NSC
P.O. Drawer 800889
Dallas, TX 75380



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Date: 05/10/11

Patent No. : 7,818,839 B2
Ser. No. : 11/598,597
Inventor(s) : Koch , et al.
Issued : October 26, 2010
Title : Patient bed for an operating table
Docket No. : 2619-0051

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A request to correct the Assignee under 37 CFR 3.81(b) should include:

- A. the processing fee set forth in 37 CFR 1.17(i) (currently \$130);
- B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

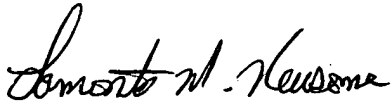
By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.



Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(571) 272-3421 or (703) 305-8309

MCCORMICK, PAULDING & HUBER LLP
CITY PLACE II
185 ASYLUM STREET
HARTFORD CT 06103

LMN



UNITED STATES PATENT AND TRADEMARK OFFICE

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March 21, 2011

PVF -- ORACLE AMERICA, INC.
C/O PARK, VAUGHAN, FLEMING & DOWLER LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

In re Application of	:	
Urmanov, Aleksey M. et, al	:	DECISION ON PETITION
Application No. 11/598,608	:	
Filed: 11/13/2006	:	ACCEPTANCE OF COLOR
Attorney Docket No. SUN06-1294	:	DRAWINGS

This is a decision on the Petition to Accept Color Drawings under 37 C.F.R. 1.84 (a) (2), received in the United States Patent and Trademark Office (USPTO) May 18, 2009.

The petition is **GRANTED**.

A grantable petition under 37 C.F.R. 1.84(a) (2) must be accompanied by the following.

1. The fee set forth under 37 C.F.R. 1.17(h),
2. Three (3) sets of the color drawings in question, or (1) set if filed via EFS, and
3. The specification contains appropriate language referring to the color drawings as the first paragraph in that portion of the specification relating to the brief description of the drawings.

The petition was accompanied by all of the required fees and drawings. The specification contains the appropriate language. Therefore, the petition is GRANTED.

Telephone inquiries relating to this decision may be directed to the undersigned in the Office of Data Management at 571-272-4200.

/Diane Terry/
Quality Control Specialist
Office of Data Management
Publications Branch



UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE CA 95172-1120

MAILED

MAR 28 2011

OFFICE OF PETITIONS

In re Application of :
SHINDE, Rajesh et al. :
Application No. 11/598,728 :
Filed: November 14, 2006 :
Attorney Docket No. **NAI1P676/06.073.01** :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed February 25, 2011.

The request is **Moot** because a revocation of power of attorney has been previously filed.

A review of the file record indicates that the power of attorney to Zilka-Kotab, PC has been revoked by the assignee of the patent application on March 02, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the below-listed address until otherwise notified by applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

/Tredelle D. Jackson/
Paralegal Specialist
Office of Petitions

cc: **PATENT CAPITAL GROUP**
6119 MCCOMMAS BLVD
DALLAS TX 75214



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NIXON & VANDERHYE, P.C.
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON VA 22203

MAILED

JUN 13 2011

In re Patent No. 7,927,215
Issue Date: April 19, 2011
Application No. 11/598,768
Filed: November 14, 2006
Attorney Docket No. 3917-8

OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition filed May 23, 2011, which is being treated as a request under 37 CFR 3.81(b)¹ to add the additional assignees on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3215. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 756-1814.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Charlema Grant
Petitions Attorney
Office of Petitions

¹ See MPEP 1309, subsection II; and Official Gazette of June 22, 2004.



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JON E. KAPPES
LAW OFFICES OF STEVEN G. LISA, LTD
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

MAILED

DEC 27 2011

OFFICE OF PETITIONS

In re Application of :
RICHARD J. HELFERICH :
Application No. 11/598,832 : DECISION ON PETITION
Filed: November 14, 2006 :
Attorney Docket No. W2WW-11598832 :

This is a decision on the petition under 37 CFR 1.59(b), filed September 15, 2011, to expunge information from the above identified application.

The petition is **DISMISSED**.

Petitioner requests that a document entitled Information Disclosure Statement, filed September 14, 1997(2011), be expunged from the record.

The petition is deficient because the petition does not contain a clear statement that the information requested to be expunged was unintentionally submitted and failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted.

The information that petitioner request to expunge is considered to be material to the determination of patentability because the IDS presents what applicant considers to be the teachings of the reference cited.

The petition does not contain a commitment on the part of petitioner to retain the information to be expunged for the period of any patent with regard to which such information is submitted, and the petition does not contain a statement that the petition is being submitted by, or on behalf of, the party in interest who originally submitted the information.

Telephone inquiries concerning this communication should be directed to the undersigned at 571-272-0602.

Thurman K. Page
Petitions Examiner
Office of Petitions



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DAVID L. BERSTEIN
ARIAD GENE THERAPEUTICS, INC.
26 LANDSDOWNE STREET
CAMBRIDGE MA 02139-4234

MAILED
APR 25 2011
OFFICE OF PETITIONS

In re Application of	:	
Camille L. BEDROSIAN	:	
Application No. 11/598,850	:	DECISION ON PETITION
Filed: November 14, 2006	:	
Attorney Docket No. 428A US	:	

This is a decision on the petition under 37 CFR 1.181 filed June 14, 2010, in response to the Notice of Improper CPA (or FWC), mailed June 07, 2010.

The petition is **GRANTED**.

On June 04, 2010, the Office mailed a Notice of Improper CPA (or FWC) indicating that the filing of the CPA was improper.

Applicant request withdrawal of the Office action mailed June 07, 2010 stating that an error was made by the Office. Applicant asserts that a Request for Continued Examination (RCE) was filed June 01, 2010 with a certificate of mailing date of May 26, 2010 not a Continued Prosecution Application (CPA).

A review of the Office records indicates that the reply was filed as a Request for Continued Examination (RCE) and not a Continued Prosecution Application (CPA), which would have rendered the reply as proper. The Office regrets the error.

In view of the above the \$400.00 petition fee has been refunded to petitioner's deposit account.

This application is being referred to Technology Center AU 1628 for the withdrawal of the Notice of Improper CPA (or FWC) mailed June 04, 2010 and for processing of the RCE and for

appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries regarding this decision should be directed to the Michelle R. Eason at (571) 272- 4231.

A handwritten signature in cursive script, appearing to read "Thurman Page".

Thurman Page
Petitions Examiner
Office of Petitions



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**R. FLYNT STREAN
ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000**

**MAILED
MAY 02 2011
OFFICE OF PETITIONS**

In re Application of	:	
GLASSMAN	:	
Application No. 11/598,899	:	DECISION ON PETITION
Filed: November 14, 2006	:	TO WITHDRAW
Attorney Docket No. BB1855USNA (1930)	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 11, 2011.

The request is **NOT APPROVED** because it is moot.

A review of the file record indicates that the power of attorney to Alston & Bird, has been revoked by the assignee of the patent application on March 29, 2011. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will continue to be directed to the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-6735.

/Diane C. Goodwyn/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions

cc: POTTER ANDERSON & CORROON LLP
ATTN: JANET E. REED, PH.D.
P.O. BOX 951
WILMINGTON DE 19899-0951



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ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK NY 10022

MAILED
MAR 27 2012
OFFICE OF PETITIONS

In re Application of	:	
ZHENG et al.	:	
Application No. 11/598,916	:	DECISION GRANTING PETITION
Filed: November 14, 2006	:	UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. Enz-68(CIP-3)	:	

This is a decision on the petition under 37 CFR 1.78(a)(6), filed March 22, 2012, to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed supplemental amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

- (1) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the present nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application. All of the above requirements having been satisfied, the late claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed application. In order for this application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. 119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the benefit claim to the prior-filed provisional application, accompanies this decision on petition.

The application is being forwarded to Technology Center AU 1627 for consideration by the Examiner of the claim under 35 U.S.C. 119(e) for the benefit of the prior-filed provisional application.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Christina Tartera Donnell/

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/598,916	11/14/2006	1627	8870	ENZ-68(CIP-3)	186	37

CONFIRMATION NO. 3979

CORRECTED FILING RECEIPT



OC000000053376069

Date Mailed: 03/27/2012

28171
ENZO BIOCHEM, INC.
527 MADISON AVENUE (9TH FLOOR)
NEW YORK, NY 10022

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Dianqing (Dan) Wu, Cheshire, CT;
Dakai Liu, South Setauket, NY;
James J. Donegan, Long Beach, NY;

Power of Attorney: None

Domestic Priority data as claimed by applicant

This application is a CIP of 11/097,518 04/01/2005
which is a CIP of 11/084,668 03/18/2005
which is a CIP of 10/849,067 05/19/2004
which claims benefit of 60/504,864 09/22/2003

Foreign Applications (You may be eligible to benefit from the **Patent Prosecution Highway** program at the USPTO. Please see <http://www.uspto.gov> for more information.)

Permission to Access - A proper **Authorization to Permit Access to Application by Participating Offices** (PTO/SB/39 or its equivalent) has been received by the USPTO.

If Required, Foreign Filing License Granted: 12/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/598,916**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Compositions and methods for bone formation and remodeling

Preliminary Class

514

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

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For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Samsung R&D Center
c/o Myers Andras Sherman LLP
19900 MacArthur Blvd., Suite 1150
Irvine CA 92612

MAIL

NOV 16 2010
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re application of :
SHAO, HUAI-RONG, et al. :
Application Serial No. 11/598,920 :
Filed: November 13, 2006 :
For: **METHOD AND SYSTEM FOR** :
PARTITIONING AND ENCODING OF :
UNCOMPRESSED VIDEO FOR :
TRANSMISSION OVER WIRELESS :
MEDIUM

DECISION
ON PETITION

This is a response to the petition under 37 CFR 1.59(b), filed July 19, 2010, to expunge information from the above identified application.

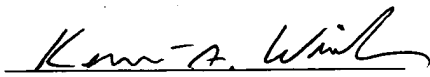
The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information submitted in a Confidential Information Disclosure Statement filed July 19, 2010 be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document(s) in question will not be available to the public during prosecution.


Kenneth A. Wieder
Quality Assurance Specialist
Technology Center 2600
Communications



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United States Patent and Trademark Office
P.O. Box 1450
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Patent No. : 7786371 B1
Application No.: 11/598962
Inventor(s) : Eric L. Moates
Issued : 08/31/2010
Title : MODULAR SYSTEM FOR MIDI DATA
Attorney Docket No.: 08-0265.01

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rules 1.322 and 1.323.

An error on a patent can be corrected by a certificate of correction, if appropriate. Accordingly, a petition under C.F.R. 1.182 is required to correct the alleged error in the item (76) inventor's address. Inventor's name and address are printed solely in accordance with the Typewritten name (s) and address, and since the error was the result of applicant's failure to comply with the requirement that the complete and correct name (s) and address be indicated on the Declaration or Oath, no correction is in order here under provisions of Rules 1.322, unless a petition is granted.

In view of the foregoing, your request is hereby denied.

However, a petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents using the following mailing address or FAX

By Mail: Commissioner of Patent and Trademarks
Box DAC
Washington, D.C. 20231

By Fax: (571) 272-3218
ATTN: Office of Petitions

If, the petition under 37 CFR 1.182 (required fee currently \$130), is filed and granted. The patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently \$100).

Further correspondence concerning this matter should be filed and directed to Decisions & Certificates of Correction Branch.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates
of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 12/27/2010

Address: Mark Clodfelter
915 Merchants Walk
Suite D
Huntsville, Al. 35801

ts/MD



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PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO, IL 60680

MAILED

DEC 02 2010

OFFICE OF PETITIONS

In re Application of	:	
Richard A. GRAFF	:	
Application No. 11/599,086	:	DECISION ON PETITION
Filed: November 14, 2006	:	UNDER 37 CFR 1.182 AND
Attorney Docket No. GRAFF-P1-06	:	UNDER 37 CFR 1.8(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed November 17, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional applications set forth in the concurrently filed amendment.

The petition under 37 CFR 1.182 is **GRANTED**.

The petition under 37 CFR 1.78(a)(3) is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition fails to satisfy item (1) above. In this regard, the amendment submitted with the petition references the prior-filed applications by the patent number rather than by the application number. *Note* 35 U.S.C. § 120, which provides, in relevant part:

No application shall be entitled to the benefit of an earlier filed application under this section unless an amendment containing the specific reference to the earlier filed **application** is submitted at such time during the pendency of the application as required by the Director. [Emphasis supplied.]

Note also CFR 1.78(a)(2)(i), which states, in relevant part:

Except for a continued prosecution application filed under § 1.53(d), any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications * * * must contain or be amended to contain a reference to each such prior-filed application, **identifying it by application number (consisting of the series code and serial number)** *** and indicating the relationship of the applications. [Emphasis supplied.]

Also, 37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications must contain or be amended to contain a reference to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. *See* MPEP Section 201.11, Reference to Prior Nonprovisional Applications. The amendment fails to comply with the provisions of 37 CFR 1.78(a)(2)(i) and is therefore unacceptable.

Accordingly, a proper amendment complying with the provisions of 37 CFR 1.121 and satisfying the requirements of 37 CFR 1.78(a)(2)(i) must be submitted, along with a renewed petition under 37 CFR 1.78(a)(3).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Monica A. Graves at (571) 272-7253.

A handwritten signature in black ink, appearing to read "Thurman K. Page". The signature is fluid and cursive, with the first name "Thurman" being more prominent.

Thurman K. Page
Petitions Examiner
Office of Petitions



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PETER K. TRZYNA, ESQ.
P.O. BOX 7131
CHICAGO, IL 60680

MAILED

JAN 18 2011

OFFICE OF PETITIONS

In re Application of
Richard A. GRAFF
Application No. 11/599,086
Filed: November 14, 2006
Attorney Docket No. **GRAFF-P1-06**

:
:
:
: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)
:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed December 2, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed with the petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

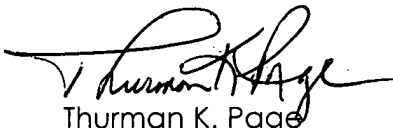
The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other

requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Monica A. Graves at (571) 272-7253. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 3693 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.



Thurman K. Page
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/599,086	11/14/2006	3693	11307	GRAFF-P1-06	163	9

CONFIRMATION NO. 3980

CORRECTED FILING RECEIPT



Date Mailed: 01/14/2011

28710
PETER K. TRZYNA, ESQ.
P O BOX 7131
CHICAGO, IL 60680

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Richard A. Graff, Chicago, IL;

Power of Attorney: The patent practitioners associated with Customer Number 28710

Domestic Priority data as claimed by applicant

This application is a CON of 10/015,258 12/11/2001 PAT 7,152,044
which is a CON of 09/785,254 02/16/2001 PAT 7,107,239
and is a CON of 09/134,451 08/14/1998 PAT 6,192,347
and is a CON of 09/134,453 08/14/1998 PAT 7,203,661
which is a CIP of 08/181,632 01/12/1994 PAT 5,802,501
which is a CIP of 07/967,644 10/28/1992 ABN

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If Required, Foreign Filing License Granted: 12/11/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/599,086**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

COMPUTER SYSTEM TO GENERATE FINANCIAL ANALYSIS OUTPUT

Preliminary Class

705

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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LICENSE FOR FOREIGN FILING UNDER**Title 35, United States Code, Section 184****Title 37, Code of Federal Regulations, 5.11 & 5.15****GRANTED**

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set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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GAF MATERIALS CORPORATION
BUILDING 8
1361 ALPS ROAD
WAYNE, NJ 07470

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NOV 14 2011

OFFICE OF PETITIONS

In re Application of
Adem Chich, et. al.
Application No. 11/599,087
Filed: November 14, 2006
Attorney Docket No. FDN-3053

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 7, 2011, to revive the above-identified application.

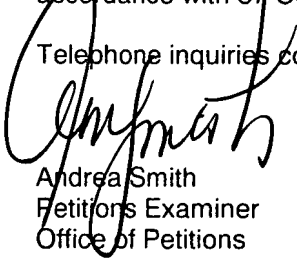
The application became abandoned for failure to file a proper reply to the final Office action mailed on January 4, 2011. A Notice of Abandonment was mailed September 14, 2011.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) along with the \$930 fee and the submission under 37 CFR 1.114; (2) the petition fee of \$1,860; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

It is noted that the correspondence address given in the present petition differs from the correspondence address of record. A courtesy copy of this decision is being mailed to the address given in the petition. Thereafter, all future communications from the Office will be directed solely to the address of record unless otherwise instructed.

This application file is being referred to Technology Center Art Unit 3749 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.


Andrea Smith
Petitions Examiner
Office of Petitions

cc: Steven D. Kerr
Womble Carlyle Sandridge & Rice, LLP
P.O. Box 7037
Atlanta, GA 30357-0037



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OCT 01 2010

OFFICE OF PETITIONS

**S & C Electric Company
Anthony G. Sitko
6601 N. Ridge Blvd.
Chicago IL 60626-3904**

In re Application of
James F. Fargo et al.
Application No. 11/599,201
Filed: November 13, 2006
Attorney Docket No. **SC-5401**

:
:
: **DECISION ON PETITION**
:
:

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 4, 2010, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the Restriction Requirement, mailed October 28, 2009, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on November 29, 2009.

The petition is **GRANTED**.

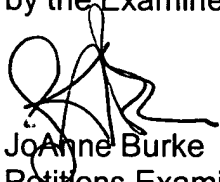
The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Election, (2) the petition fee of \$1,620, and (3) a proper statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the petition was ever given a power of attorney to prosecute the application. If the person signing the petition desires to be acknowledged as the attorney of record in this application, the appropriate power of attorney document must be submitted.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571)272-4584.

This application is being referred to Technology Center AU 2833 for appropriate action by the Examiner in the normal course of business on the reply received.

A handwritten signature in black ink, appearing to read 'JoAnne Burke', is written over the printed name.

JoAnne Burke
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

HANIFY & KING PROFESSIONAL CORPORATION
1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON DC 20007

MAILED

OCT 22 2010

In re Application of
Rajagopalan et al.
Application No. 11/599,270
Filed: November 15, 2006
Attorney Docket No. 5222-102-CIP2CIP1

: **OFFICE OF PETITIONS**
:
: **DECISION ON PETITION**
: **UNDER 37 CFR 1.78(a)(3)**
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 6, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/373,441, filed March 13, 2006, as set forth in the amendment filed July 15, 2010.

The petition is **DISMISSED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant petition does not comply with item (1) above.

A reference to add the above-noted, prior-filed application on page one following the first sentence of the specification has been included in an amendment filed July 15, 2010. However, the amendment is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. In re deSeversky, *supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore, "limit" the absolute and express prohibition against new matter contained in section 251.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See In re deSeversky, supra. Note also MPEP 201.06(c).*

Accordingly, before the petition under 37 CFR 1.78(a)(3) can be granted, a substitute amendment deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(3), is required. No further petition fee is necessary.


Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

By hand: Customer Window located at:
U.S. Patent and Trademark Office
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.


Liana Walsh
Petitions Examiner
Office of Petitions

¹ Note 37 CFR 1.121



UNITED STATES PATENT AND TRADEMARK OFFICE

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1055 THOMAS JEFFERSON STREET, NW
SUITE 400
WASHINGTON DC 20007

MAILED

NOV 17 2010

OFFICE OF PETITIONS

In re Application of	:
Rajagopalan et al.	:
Application No. 11/599,270	: DECISION GRANTING PETITION
Filed: November 15, 2006	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 5222-102-CIP2CIP1	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed November 8, 2010, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 11/373,441, filed March 13, 2006, as set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified by 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) a reference to the above-noted, prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed nonprovisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3282.

This matter is being referred to Technology Center Art Unit 1764 for appropriate action on the amendment filed November 8, 2010, including consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.



Liana Walsh
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	TOT CLAIMS	IND CLAIMS
11/599,270	11/15/2006	1765	1130	5222-102-CIP2CIP1	13	2

CONFIRMATION NO. 2699

CORRECTED FILING RECEIPT



79175
HANIFY & KING PROFESSIONAL CORPORATION
1055 Thomas Jefferson Street, NW
Suite 400
WASHINGTON, DC 20007

Date Mailed: 11/16/2010

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Murali Rajagopalan, South Dartmouth, MA;
Kevin M. Harris, New Bedford, MA;

Power of Attorney: The patent practitioners associated with Customer Number 23517

Domestic Priority data as claimed by applicant

This application is a CIP of 11/373,441 03/13/2006 PAT 7,705,102
which is a CIP of 10/843,017 05/11/2004 PAT 7,037,217
which is a CON of 10/277,154 10/21/2002 PAT 6,739,987
which claims benefit of 60/348,496 10/22/2001

Foreign Applications

If Required, Foreign Filing License Granted: 12/06/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 11/599,270**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Golf ball compositions having in-situ or reactive impact modified silicone-urea or silicone urethane

Preliminary Class

473

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

CERTIFICATION AND REQUEST FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN (Page 1 of 2)	
Nonprovisional Application Number or Control Number (if applicable): 11/599,468	Patent Number (if applicable):
First Named Inventor: Satoshi Usui	Title of Invention: High-Pressure Fuel Pump
<p>APPLICANT/PATENTEE/REEXAMINATION PARTY HEREBY CERTIFIES AND REQUESTS THE FOLLOWING FOR THE ABOVE-IDENTIFIED APPLICATION/PATENT/REEXAMINATION PROCEEDING.</p> <p>1. FOR PATENT APPLICATIONS AND REEXAMINATION PROCEEDINGS PENDING IN THE USPTO AS OF MARCH 11, 2011, IN WHICH A COMMUNICATION FROM THE USPTO IS SOUGHT TO BE REMAILED:</p> <ul style="list-style-type: none">a. One or more inventors, an assignee, or a correspondence address (for the application/proceeding) is in an area of Japan affected by the earthquake and/or tsunami of March 11, 2011.b. A reply or response to an Office action (final, non-final, or other), a notice of allowance, or other Office notice (hereinafter collectively referred to as "Office communication") is outstanding on March 11, 2011.c. The statutory or non-statutory time period set for response has not yet expired.d. Withdrawal and reissuance of the Office communication is requested.e. It is acknowledged that if this request is not made within sufficient time so that withdrawal and reissuance of the Office communication occur prior to expiration of the statutory or non-statutory time period (as permitted to be extended under 37 CFR 1.136(a), or as extended under 37 CFR 1.550(c) or 1.956), this request may not be granted.f. The need for the reissuance of the Office communication was due to the effects of the earthquake and/or tsunami of March 11, 2011.g. This request is being sent via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. <p>2. FOR PATENTEEES WHO WERE UNABLE TO TIMELY PAY A PATENT MAINTENANCE FEE DURING THE SIX-MONTH GRACE PERIOD FOLLOWING THE WINDOW TO PAY THE MAINTENANCE FEE:</p> <ul style="list-style-type: none">a. The original window of time to pay the maintenance fee without the surcharge required by 37 CFR 1.20(h) expired on or after March 11, 2011.b. The delay in paying the fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.c. The USPTO is requested to <i>sua sponte</i> waive the surcharge in 37 CFR 1.20(h) for paying a maintenance fee during the six-month grace period following the window to pay the maintenance fee.d. This request and payment of the maintenance fee during the six-month grace period following the window to pay the maintenance fee is being mailed to: Director of the United States Patent and Trademark Office, Attn: Maintenance Fee, 2051 Jamieson Avenue, Suite 300, Alexandria, VA 22314; or being transmitted via facsimile to: 571-273-6500.	


**CERTIFICATION AND REQUEST
FOR RELIEF DUE TO EVENTS OF MARCH 11, 2011, IN JAPAN** (Page 2 of 2)

3. FOR PATENTEES WHO NEED TO FILE A PETITION TO ACCEPT A DELAYED MAINTENANCE FEE PAYMENT UNDER 37 CFR 1.378(c):

- a. The maintenance fee payment was required to have been paid after March 10, 2011.
- b. A petition under 37 CFR 1.378(c) (using USPTO form PTO/SB/66 – Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent (37 CFR 1.378(c))) is being promptly filed accompanied by the applicable maintenance fee payment (but not the surcharge under 37 CFR 1.20(i)).
- c. The delay in payment of the maintenance fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
- d. The USPTO is requested to *sua sponte* waive the surcharge in 37 CFR 1.20(i) for accepting a delayed maintenance fee payment.
- e. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed by March 11, 2012, in order to be entitled to a waiver of the surcharge under 37 CFR 1.20(i).
- f. It is acknowledged that the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) must be filed within twenty-four months from the expiration date of the patent. See 35 U.S.C. 41(c).
- g. This request and the petition to accept a delayed maintenance fee payment under 37 CFR 1.378(c) is being submitted via EFS-Web or by mail directed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

4. FOR NONPROVISIONAL PATENT APPLICATIONS FILED WITHOUT AN EXECUTED OATH OR DECLARATION OR PAYMENT OF THE BASIC FILING FEE, SEARCH FEE, AND/OR EXAMINATION FEE:

- a. The nonprovisional patent application was filed on or after March 11, 2011, and prior to April 12, 2011.
- b. The late filing of the oath or declaration or the basic filing fee, search fee, or examination fee was due to the effects of the earthquake and/or tsunami of March 11, 2011.
- c. The USPTO is requested to *sua sponte* waive the surcharge set forth in 37 CFR 1.16(f) for the late filing of the oath or declaration or basic filing fee, search fee, and/or examination fee.
- d. This request, together with the executed oath or declaration or the basic filing fee, search fee, or examination fee, as well as the reply to the Notice to File Missing Parts, is being submitted via EFS-Web or by mail directed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature 	Date April 29, 2011
Name (Print/Typed) Gary R. Edwards	Practitioner Registration Number 31,824

Note: Signatures of all the inventors, § 1.41(b) applicants, or assignees of record of the entire interest or their representative(s), or reexamination requesters at the appeal stage are required in accordance with 37 CFR 1.33 and 1.118. Please see 37 CFR 1.4(d) for the form of the signature. If necessary, submit multiple forms for more than one signature, see below.

☒ *Total of 1 forms are submitted.



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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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**CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300**

MAILED

MAY 04 2011

OFFICE OF PETITIONS

In re Application of :
Usui et al. :
Application No. 11/599,468 : **DECISION ON PETITION**
Filed: November 15, 2006 :
Attorney Docket No. 056208.58452US :

This is a decision on the request filed April 29, 2011, seeking relief under the provisions of "Relief Available to Patent and Trademark Applicants, Patentees and Trademark Owners Affected by the Catastrophic Events of March 11, 2011 in Japan," 1365 Off. Gaz. Pat. Office 170 (April 19, 2011).

The request for relief is **GRANTED**.

In the above-identified application, an Office action was mailed on November 9, 2010. The instant petition was filed prior to the expiration of the period for reply and the certifications for granting of relief are considered to be met by the submission of the request.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7751. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

This application is being referred to the Technology Center, Art Unit 3746 for re-mailing the Office action of November 9, 2010. The period for reply will run from the mailing date of the Office action.

/Joan Olszewski/
Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN TX 78701

MAILED
OCT 21 2010
OFFICE OF PETITIONS

In re Patent of Corey et al. : DECISION ON REQUEST
Patent No. 7,709,456 : FOR RECONSIDERATION OF
Issue Date: May 4, 2010 : PATENT TERM ADJUSTMENT
Application No. 11/599,566 : and
Filed: November 13, 2006 : NOTICE OF INTENT TO ISSUE
Docket No. UTSD:1721US/10900729: CERTIFICATE OF CORRECTION

This is a decision on the petition filed on June 29, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by three hundred forty-nine (349) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by three hundred forty-nine (349) days is **granted to the extent indicated herein.**

The sole issue pertains to the three years to issue guarantee of 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b) (hereinafter, "B delay"). The Office concurs with patentees' assertion that the maximum B delay period begins on November 14, 2009, which is one day after three years after the filing of the application on November 13, 2006, and ends on May 4, 2010, when the patent issued.

However, patentees' calculation of the B delay does not take into consideration the excluded appellate period. As stated in 35 U.S.C. 154(b)(1)(B)(ii), B delay does not include "any time consumed by appellate review by the Board of Patent Appeals and Interferences." The period of B delay does not include the 17 day period beginning on November 14, 2009, the first day overlapping with the period of B delay that occurred after the date the Notice of Appeal was filed, and ending on November 30,

2009, the date the Office mailed a Notice of Allowance and Fee(s) Due. Excluding the 17 days consumed by appellate review results in a period of B delay of 155 days (172 - 17).

In light thereof, the correct patent term adjustment is 332 days, which is the sum of 178 days of delay under 35 U.S.C. 154(b)(1)(A) and 155 days of B Delay, reduced by 1 day for Applicant delay.

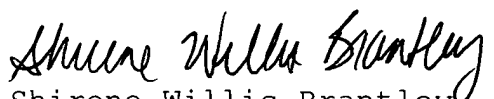
The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

Nothing in this decision shall be construed as a waiver of the requirement of 35 U.S.C. 154(b)(4) that any civil action by an applicant dissatisfied with a determination made by the Director under 35 U.S.C. 154(b)(3) be filed in the United States District Court for the District of Columbia within 180 days after the grant of the patent.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted **by three hundred thirty-two (332) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction .

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,709,456 B2

DATED : May 4, 2010

DRAFT

INVENTOR(S) : Corey et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 324 days

Delete the phrase "by 324 days" and insert -- by 332 days--

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/18/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11599580 Patent No.: 7897592

CofC mailroom date: 11/07/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: **Please check the Claims**
should these changes be made or not?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

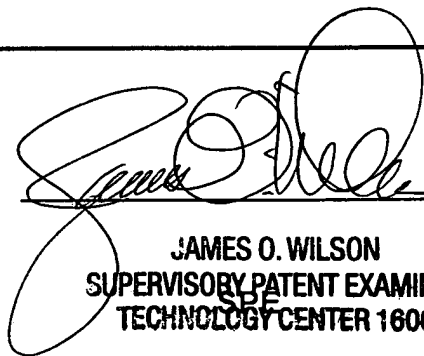
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11/18/11

TO SPE OF : ART UNIT 1624

SUBJECT : Request for Certificate of Correction for Appl. No.: 11599580 Patent No.: 7897592

CofC mailroom date: 11/07/11

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square – 9D10-A

Palm Location 7580

You can fax the Directors/SPE response to 571-273-3421

Note: **Please check the Claims**

should these changes be made or not?

Lamonte Newsome

Certificates of Correction Branch

571-272-3421

· **Thank You For Your Assistance**

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

☒ **Approved**

All changes apply.

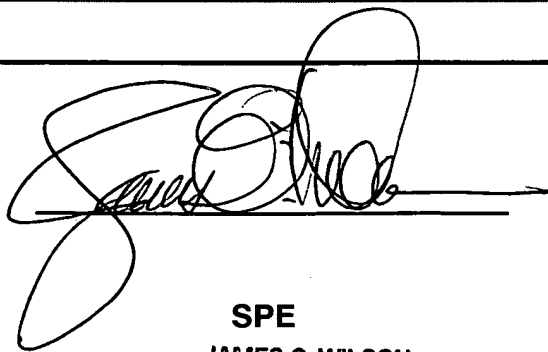
☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____



SPE
JAMES O. WILSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

1624

Art Unit



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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Dennis Clarke
7422 Old Maple Square
McLean VA 22102

MAILED

SEP 27 2010

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Lensky :
Application No. 11/599,624 :
Filed: November 15, 2006 :
Attorney Docket No. T4224-11601US01 :

This is a decision on the renewed petition under 37 CFR 1.137(a), filed February 26, 2010, to revive the above-identified application.

The petition is GRANTED.

The instant application became abandoned November 3, 2008 for failure to timely file a proper reply to the restriction requirement mailed October 2, 2008. The restriction requirement set a one month shortened statutory period of time for reply. No petition for extension of time under 37 CFR 1.136(a) was filed. Notice of Abandonment was mailed February 23, 2009.

The petition satisfies the requirements of 37 CFR 1.137(a) in that petitioner has supplied (1) the required reply in the form of a reply to the Notice; (2) the required petition fee; and (3) a showing to the satisfaction of the Director that the entire delay was unavoidable. *See*, MPEP 711.03(c)(where an application becomes abandoned as a consequence of a change of correspondence address (the Office action being mailed to the old, uncorrected address and failing to reach the applicant in sufficient time to permit a timely reply) an adequate showing of "unavoidable" delay will require a showing that due care was taken to adhere to the requirement for prompt notification in each concerned application of the change of address (see MPEP 601.03), and must include an adequate showing that a timely notification of the change of address was filed in the application concerned, and in a manner reasonably calculated to call attention to the fact that it was a notification of a change of address).

This application is being referred to Group Art Unit 2832 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

/ALEZIA M. BROWN/

Alesia M. Brown
Petitions Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MEMORANDUM

DATE: October 17, 2011
TO: Certificates of Correction Branch
FROM: Liu Shuwang
SPE, Art Unit 2611
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. RE41195 as specified on the attached Certificate.

A handwritten signature in cursive script, reading "Shuwang Liu".

Liu Shuwang
Supervisory Patent Examiner
Art Unit 2611

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. RE41195

Patented: April 6, 2010

The present reissue patent issued from an application that is one of a family of divisional reissue applications resulting from Patent No. 6,829,295. The present reissue patent has issued without the cross reference to the other reissue application(s) of the family which is required pursuant to 37 CFR 1.177(a). Accordingly, insert in the first sentence of the specification as follows:

Notice: More than one reissue application has been filed for the reissue of patent 6,829,295. The reissue applications are 11/599,634 and 12/727,113.

/Shuwang Liu/

Supervisory Patent Examiner, Art Unit 2611

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:5

DATE : November 9, 2010

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 7,623,571

A response is requested with respect to the accompanying request for a certificate of correction.

Please complete this form and return with file, within **7** days to:

Certificates of Correction Branch - PK 3-910

Palm location **7590** - Tel. No. 305-8201

With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Certificates of Correction Branch

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments:

Corrections apply to typographical errors, which do not change the scope of the claims.

SPE: Ghayour Mohammed

Art Unit 2611

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: 571-273-0025
ATTN: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Tasneem Siddiqui
For Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
(703) 756-1593 or (703) 756-1814
Date: 05/02/2011

Address: Grace L. Pan
FROMMER LAWRENCE & HAUG, LLP
745 Fifth Avenue
New York, New York 10151

ts/



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAILED

SEP 19 2011

OFFICE OF PETITIONS

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL
NEW YORK NY 10151

In re Patent No. 7,906,332 :
Issue Date: March 15, 2011 :
Application No. 11/599,760 : **DECISION ON PETITION**
Filed: November 15, 2006 :
Attorney Docket No. 671302-2008.1 :

This is a decision on the petition under 37 CFR 3.81(b), filed
June 2, 2011.

The petition is **GRANTED**.

An application may issue in the name of an assignee rather than the applicant if requested prior to issuance of a patent.¹ However, in the event the request is not made prior to issuance, a Certificate of Correction under 37 CFR 1.323 may be requested. A request for a Certificate of Correction under 37 CFR 1.323 to correct the assignee's name will not be granted unless a petition under 37 CFR 3.81(b) is granted. Such request under 37 CFR 3.81(b) should include:

- (A) the processing fee required by 37 CFR 1.17(i);
- (B) a request for issuance of the application in the name of the assignee, or a request that a patent be corrected to state the name of the assignee;
- (C) a statement that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent; and

¹ See 37 CFR 3.81.

(D) a request for a certificate of correction under 37 CFR 1.323 accompanied by the fee set forth in 37 CFR 1.20(a).²

The \$130 processing fee has been charged to Deposit Account No. 50-0320, as authorized. Receipt of the \$100 fee for the Certificate of Correction, previously paid on April 22, 2011, is acknowledged.

The file is being forwarded to the Certificate of Corrections Branch for issuance of the requested Certificate of Correction.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions

² MPEP 307.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED

SEP 08 2010

OFFICE OF PETITIONS

In re Application of	:	
Moslowitz	:	
Application No. 11/599,838	:	LETTER REGARDING
Filed: November 15, 2006	:	PATENT TERM ADJUSTMENT
Attorney Docket No. SCOT0010-4	:	
Title: OPTIMIZATION METHODS FOR	:	
THE INSERTION, PROTECTION, AND	:	
DETECTION OF DIGITAL WATERMARKS	:	
IN DIGITAL DATA	:	

This is a decision on the "37 CFR 1.705(b) APPLICATION FOR PATENT TERM ADJUSTMENT," filed July 30, 2010. Applicant requests that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from three hundred and ninety-five (395) days to seven hundred and twelve (712) days.

The request for reconsideration of the patent term adjustment is **DISMISSED**.

If reconsideration of this decision is desired, any response to this decision must be submitted within **ONE MONTH** from the mail date of this decision. Extensions of time under 37 C.F.R. § 1.136(a) are not available.

A Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) was mailed on July 26, 2010, with an indication that the patent term adjustment to date was 395 days.

Applicant has disputed the failure to accord any Office delay pursuant to 37 C.F.R. § 1.703(a)(2), which requires the Office to adjust the patent term by

"[t]he number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first."

See also 37 C.F.R. § 1.702(a)(2).

A response to a non-final rejection was received on May 13, 2009, a first notice of allowance was mailed on August 10, 2009, and a second notice of allowance was mailed on July 26, 2010, which is 316 days after the four-month anniversary of the submission of the May 13, 2009 response. The Office accorded no adjustment, as the first notice of allowance was timely mailed. Applicant argues that an adjustment of 316 days should have been accorded.

Applicant has indicated that any patent issuing from the application is subject to a terminal disclaimer.¹

Applicant's argument has been considered and has been found to be unpersuasive. In light of the application history, it has been determined that no period of adjustment for Office delay pursuant to 37 C.F.R. § 1.702(a)(2) is warranted. It is undisputed that the Office mailed an action under 35 U.S.C. 132 in the form of a notice of allowance on August 10, 2009, within four months of the reply under 37 C.F.R. 1.111 filed May 13, 2009. The subsequent mailing of another notice of allowance under 35 U.S.C. 151 does not alter the date used in the calculation of the period of adjustment. Pursuant to 35 U.S.C. 154(b)(1)(A)(ii), applicants are only entitled to day-to-day restoration of term lost as a result of delay created by the Office, after four months from the filing of the reply under 37 C.F.R. 1.111 or appeal taken. The fact that the Office later withdrew the first notice of allowance does not negate the fact that the Office took action within the meaning of 37 C.F.R. 1.702(a)(2) on August 10, 2009. Thus, it is correct for the Office to use the date of August 10, 2009 in calculating the period of adjustment, if any, due to the examination delay pursuant to 37 C.F.R. 1.702(a)(2) and 1.703(a)(2). See Changes to Implement Patent Term Adjustment under Twenty-year Patent Term; Final Rule, 65 Fed. Reg. 54366 (September 18, 2000). Accordingly, no period of adjustment to the patent term pursuant to 37 C.F.R. 1.702(a)(2) will be entered.

¹ Petition, page 3.

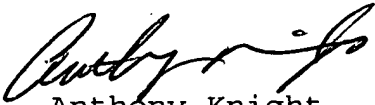
In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance remains 395 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fee is required.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this matter should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.



Anthony Knight
Director
Office of Petitions



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Paper No.

NEIFELD IP LAW, PC
4813-B EISENHOWER AVENUE
ALEXANDRIA VA 22304

MAILED
MAR 15 2011
OFFICE OF PETITIONS

In re Application of :
Moslowitz :
Application No. 11/599,838 : DECISION ON RENEWED
Filed: November 15, 2006 : PETITION PURSUANT TO
Attorney Docket No. SCOT0010-4 : 37 C.F.R. § 1.705(d)
Title: OPTIMIZATION METHODS FOR :
THE INSERTION, PROTECTION, AND :
DETECTION OF DIGITAL WATERMARKS :
IN DIGITAL DATA :

This is a decision on the "REQUEST FOR RECONSIDERATION OF 9-8-2010 DECISION DENYING 37 CFR 1.705(b) APPLICATION FOR PATENT TERM ADJUSTMENT," filed September 13, 2010. Applicant requests that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from three hundred and ninety-five (395) days to seven hundred and twelve (712) days.

The request for reconsideration of the patent term adjustment under 37 C.F.R. § 1.705(b) is **DISMISSED**.

RELEVANT BACKGROUND

A Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) was mailed on July 26, 2010, with an indication that the patent term adjustment to date was 395 days.

A response to a non-final rejection was received on May 13, 2009, and the USPTO entered an Office action under 35 U.S.C. § 132(a) (a notice of allowance) on August 10, 2009. A second notice of allowance was mailed on July 26, 2010, which is 316 days after the four-month anniversary of the submission of the May 13, 2009 response. The Office accorded no adjustment, as

the first notice of allowance was timely mailed. Applicant argues that an adjustment of 316 days should have been accorded.

An original petition pursuant to 37 C.F.R. § 1.705(d) was filed on July 30, 2010 along with the \$200.00 fee set forth in 37 C.F.R. § 1.18(e), where Applicant requested that the patent term adjustment indicated on the Notice of Allowance and Issue Fee Due be corrected from three hundred and ninety-five (395) days to seven hundred and twelve (712) days. The original petition was dismissed via the mailing of a decision on September 8, 2010.

With both the original petition and this renewed petition, Applicant has disputed the failure to accord any Office delay pursuant to 37 C.F.R. § 1.703(a)(2), which requires the Office to adjust the patent term by

"[t]he number of days, if any, in the period beginning on the day after the date that is four months after the date a reply under § 1.111 was filed and ending on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first."

See also 37 C.F.R. § 1.702(a)(2).

Applicant has indicated that any patent issuing from the application is subject to a terminal disclaimer.¹

By the renewed petition, Applicant again asserts that the patent term should be adjusted by 712 days, pursuant to 37 CFR 1.702(a)(2). In summary, Applicant asserts that the Office action entered August 10, 2009 failed to meet the requirements of 35 U.S.C. § 132(a) and was withdrawn by the mailing of the second notice of allowance on July 26, 2010. Applicant contends that the period of adjustment to the patent term under 37 CFR 1.702(a)(2) and 1.703(a)(2) is properly calculated using the July 26, 2010 notice of allowance, rather than the August 10, 2009 notice of allowance.

RELEVANT STATUTES

35 U.S.C. § 131 provides that:

¹ Renewed petition, page 3.

The Director shall cause an examination to be made of the application and the alleged new invention; and if on such examination it appears that the applicant is entitled to a patent under the law, the Director shall issue a patent therefor.

35 U.S.C. § 132 provides that:

(a) Whenever, on examination, any claim for a patent is rejected, or any objection or requirement made, the Director shall notify the applicant thereof, stating the reasons for such rejection, or objection or requirement, together with such information and references as may be useful in judging of the propriety of continuing the prosecution of his application; and if after receiving such notice, the applicant persists in his claim for a patent, with or without amendment, the application shall be reexamined. No amendment shall introduce new matter into the disclosure of the invention.

(b) The Director shall prescribe regulations to provide for the continued examination of applications for patent at the request of the applicant. The Director may establish appropriate fees for such continued examination and shall provide a 50 percent reduction in such fees for small entities that qualify for reduced fees under section 41(h)(1) of this title.

35 U.S.C. § 133 provides that:

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Director in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Director that such delay was unavoidable.

35 U.S.C. § 154(b)(1)(A), provides, in relevant part:

Subject to the limitations under [35 U.S.C. § 154(b)(2)], if the issue of an original patent is delayed due to the failure of the Patent and Trademark Office to—

respond to a reply under section 132, or to an appeal taken under section 134, within 4 months after the date on which the reply was filed or the appeal was taken;

the term of the patent shall be extended 1 day for each day after the end of this [four-month period] until [the response] is taken.

DECISION

Applicant in essence argues that the Office action of July 26, 2010 "vacated" the Office action of August 10, 2009, and as such the Office action of August 10, 2009 should be treated as not having been issued for purposes of determining whether the issuance of the patent was delayed due to the failure of the USPTO to respond to applicant's reply of May 13, 2009 within four months after the date on which the reply was filed. Applicant's arguments have been considered but are not persuasive.

The vacatur of an Office action sets aside or withdraws any rejection, objection or requirement in an Office action, as well as the requirement that the applicant timely reply to the Office action to avoid abandonment under 35 U.S.C. § 133. The vacatur of an Office action signifies that the Office action has been set aside, voided, or withdrawn as of the date of the vacating Office action or notice. The vacatur of an Office action, however, does **not** signify that the vacated Office action is void *ab initio* and is to be treated as if the USPTO had never issued the Office action. The patent examination process provided for in 35 U.S.C. §§ 131 and 132 contemplates that Office actions containing rejections, objections or requirements will be issued, and that the applicant will respond to these Office action, "with or without amendment." (35 U.S.C. § 132(a)). The mere fact that an examiner or other USPTO employee upon further reflection determines that an Office action, or that a rejection, objection or requirement in an Office action, is not correct and must be removed does not warrant treating the Office action as void *ab initio* and as if the USPTO had never issued the Office action.

The USPTO appreciates that there may be situations in which it is appropriate to treat an Office action or notice issued in an application as void *ab initio* and as if the USPTO had never issued the Office action. However, these would be extremely rare situations, such as the issuance of an Office action or notice by an employee who does not have the authority to issue that type of Office action or notice, the issuance of an Office action or notice in the wrong application, or the issuance of an Office action or notice containing language not appropriate for inclusion in an official document. In essence, the situations in which it is appropriate to treat an Office action or notice

issued in an application as void *ab initio* and as if the USPTO had never issued the Office action are the situations in which it is appropriate to expunge an Office action or notice from the USPTO's record of the application. That is simply **not** the case in this situation.

Pursuant to 35 U.S.C. § 154(b)(1)(A)(ii), patentees are entitled to day-to-day adjustment if the USPTO delays the issuance of a patent by failing to respond to a reply by the applicant within four months from the filing of the reply. The record of the above-identified patent indisputably indicates that the USPTO entered an Office action under 35 U.S.C. § 132, specifically a notice of allowance, on August 10, 2009, within four months of the filing of a reply under 37 CFR 1.111 on May 13, 2009. The fact that the Office later set aside the notice of allowance of August 10, 2009 does not negate the fact that the Office responded within the meaning of 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.702(a)(2) on August 10, 2009 to the reply under 37 CFR 1.111 on May 13, 2009. Unless expunged from the record (which is not warranted in this situation), for purposes of calculating patent term adjustment, the Office action entered by the examiner on August 10, 2009 was properly used to determine whether the USPTO delayed the issuance of the above-identified patent by failing to respond to the reply of May 13, 2009 within four months from the filing of the reply under of 35 U.S.C. § 154(b)(1)(A)(ii) and 37 CFR 1.702(a)(2). *See Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 Fed. Reg. 54366 (Sept. 18, 2000) (final rule).

Alternate Argument

Applicant makes the alternate argument that should the Office hold that no additional examination delay is warranted due to the withdrawal of the first notice of allowance, additional examination delay is warranted due to "PTO delays in issuance from the date the applicant originally paid the issue fee."² (The issue fee was paid on November 10, 2009, in response to the first notice of allowance).

As the alternate argument pertains to the patent term adjustment as it relates to the Office's failure to issue the patent within four months of the receipt of the issue fee, this argument

² *Id.* at 10-11.

cannot be considered at this time because it is **premature**. As such, the alternate argument has not been considered on the merits.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 4 months of the receipt of the issue fee and the satisfaction of all outstanding requirements, pursuant to 37 C.F.R.

§ 1.702(a)(4). The computer will not calculate any further Office delay under 37 C.F.R. § 1.702(a)(4) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the application of 37 C.F.R. § 1.702(a)(4) until the patent has issued, since 37 C.F.R. § 1.702(a)(4) will not be applied until such time.

Applicant is advised that he may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 C.F.R. § 1.705(d), should he disagree with the Office's application of 37 C.F.R. § 1.702(a)(4). The Office will consider any such request for reconsideration of the patent term adjustment due to an error in the calculation of 37 C.F.R. § 1.702(a)(4) to be timely if the request for reconsideration is filed within two months of the issuance of the patent.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance remains 395 days.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

CONCLUSION

For the above-stated reasons, a review of the petition and file wrapper of the above-identified application reveals that the above-identified patent is not entitled to a patent term extension or adjustment of 711 days. Therefore, the petition to

change the patent term adjustment indicated on the above-identified patent to 711 days is dismissed.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 C.F.R. § 1.705(d) and must include payment of the required fee under 37 C.F.R. § 1.18(e). Applicant is reminded that any delays by the Office pursuant to 37 C.F.R. §§ 1.702(a)(4) and 1.702(b) and any applicant delays under 37 C.F.R. § 1.704(c)(10) will be calculated at the time of the issuance of the patent and Applicant will be notified of the revised patent term adjustment to be indicated on the patent in the Issue Notification letter that is mailed to applicants approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanowski at (571) 272-3225.

/Paul Shanowski/
Paul Shanowski
Senior Attorney
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Patent No. : 7930545 B2
Application No.: 11/599838
Inventor(s) : MOSKOWITZ
Issued : April 19, 2011
Attorney Docket No.: SCOT0010-4

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.323.

The certificate of correction dated 5/16/2011 has been approved in part.
The page 2 of COC for Column 13, lines 20-36: not approved.
The page 3 of COC for Column 16, lines 41-44: not approved.

In view of the foregoing, your request, in this matter, is hereby denied.

A Certificate of Correction will be issued as approved in part for the remaining changes noted in your request.

Tasneem Siddiqui
Mary Diggs (Supervisor)
Decisions & Certificates of Correction Branch
703-756-1580 or (703) 756-1814
Date: 05/31/2011

Address: Bruce Margulies
Neifeld IP Law, PC
4813-B Eisenhower Avenue
Alexandria, Virginia 22304

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 05/27/11

TO SPE OF : ART UNIT: **2437 Attn: SHIFERAW ELENI A (SPE)**

SUBJECT : Request for Certificate of Correction for Appl. No.: **11/599838** Patent No.: **7930545**

CofC mailroom date: **05/17/11**

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580

Note: Please check Related U.S. Application Data

Tasneem Siddiqui
Certificates of Correction Branch
703-756-1814 & 703-756-1593

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☐ **Approved**

All changes apply.

☒ **Approved in Part**

Specify below which changes **do not** apply.

☐ **Denied**

State the reasons for denial below.

Comments: Page 1 of the COC for cover page: APPROVED/ENTER.

Page 1 of the COC for col. 8-9: APPROVED/ENTER Page 2 of
the COC for col. 13: DO NOT ENTER. Page 3 of the COC
for col. 16: DO NOT ENTER. Page 4 of the COC for col.
19: APPROVED/ENTER.

/Eleni Shiferaw/

2437
Art Unit

SPE



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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Joyce D. Bradley
Suite 215
2600 Poplar Avenue
Memphis, TN 38112

MAILED

MAR 24 2011

OFFICE OF PETITIONS

In re Application of
Joel Thomas Ward
Application No. 11/599,876
Filed: November 15, 2006
Attorney Docket No. MUR 0601

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 25, 2011, to revive the above-identified application.

The petition is **DISMISSED**.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional¹; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). The instant petition lacks item (1) listed above.

With respect to item (1), the application became abandoned for failure to timely file a proper reply within the meaning of 37 CFR 1.113 to the final Office action mailed May 21, 2009. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted on January 25, 2011, does not *prima facie* place the application in condition for allowance, the reply required **must** be a Notice of Appeal (and appeal fee), RCE, or the filing of a continuing application under 37 CFR 1.53(b). A courtesy copy of the Advisory Action is being mailed with this decision on petition.

¹ Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D).

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

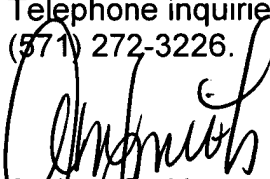
Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITION
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office
 Customer Service Window, Mail Stop Petitions
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.



Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Courtesy Copy of the Advisory Action

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

11/599,876

Applicant(s)

WARD, JOEL THOMAS

Examiner

MOHAMMAD ALI

Art Unit

3784

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-15.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See the enclosed sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/MOHAMMAD ALI/
Primary Examiner, Art Unit 3784

Continuation of 11. does NOT place the application in condition for allowance because: Regarding the 112 rejection, The Applicant first added a new disclosures, "single" and then added another new disclosure "the portable cooler does not use a mechanical refrigeration system". The Examiner feels the addition of new written disclosures or claim elements, the original written description fails to comply with the written description requirement because it is not clear how a single pair of wheels is advantageous over double or multiple wheels and in the specification there is nothing about mechanical refrigeration system and advantages of the non-mechanical refrigeration system over the mechanical refrigeration system. Even, if the 112 rejection is arguable, the other remaining rejection is valid which has been explained in the earlier rejections clearly.

Response to Arguments

Applicant's further arguments filed 01/25/11 have been fully considered but they are not persuasive. The arguments submitted on 01/25/11 is the carbon copy of the argument of 07/22/09 for which an advisory action was mailed on 11/06/09.

The Applicant argues that Rhaney does not claim that his invention should be mounted horizontally at any point, Rhaney et al shows in his drawings, Fig 5 a side elevation view of the invention showing the rectangular box tilted back on the wheel, but never in a vertical position. The Examiner disagrees. Figs 1-4 of Rhaney et al clearly show the horizontal as well as vertical position of a rectangular insulated cooler box 10. Fig. 5, although shows in a tilted position, it clearly identifies the front face with latch 26 and top surface with lid 14

Art Unit: 3784

and bottom portion with wheels 32 and thus it clearly defines the vertical and horizontal position of the cooler box 10. Therefore, the applicant's argument that Rhaney et al do not disclose vertical and horizontal position is not correct. The Applicant further argues that Knapp et al food storage container has four wheels which are not inflatable and does not have handle attachment which makes it difficult move up or down stairs or uneven terrain. Knapp et al's invention does not disclose a dolly attached to the storage unit but a pallet-like base supported on two castered wheels and two uncastered wheels. The Examiner disagrees. Wheels are not the claimed subject matter of claim 15 which has been rejected by 102(b) rejection over Knapp et al. Knapp et al disclose a dolly (11) having a pair of bars (14) attached to the vertical ice box (10) is sufficient to meet the claimed invention. Therefore, the above argument of the Applicant is not true and acceptable. The Applicant further argues that the Examiner fails in his attempt to state a prima facie case of obviousness in his rejection of claims 3-5 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over Rhaney et al in view of Knapp et al. The examiner disagrees.

The Examiner does not need to reprint the 103 (a) rejection for the claims 3-5 and 10-12 as alleged by the Applicant. One of ordinary skill of art knows the construction of an 103 rejection will find each and every element needed to address for 103 rejection which has been

Application/Control Number: 11/599,876

Page 4

Art Unit: 3784

implemented including the motivation needed. (Because the combination of analogous art would render motivation effectively).

Therefore, the above argument of the Applicant is not true and acceptable. The Applicant further argues that the Examiner fails in his attempt to state a prima facie case of obviousness in his rejection of claims 3-5 and 10-12 under 35 U.S.C. 103 (a) as being unpatentable over Rhaney et al in view of Quinn et al. The Examiner disagrees. Both Rhaney et al and Quinn references are of analogous art and motivation needed is available in the rejection. Therefore, the above argument of the Applicant is not true and cannot be acceptable. Therefore, rejections are ok.

/MA/.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : Oct. 30, 2009

TO SPE OF : ART UNIT 2881

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/599915 Patent No.: 7554097

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

**Certificates of Correction Branch (CofC)
Randolph Square – 9D10-A
Palm Location 7580**

Magdalene Talley

**Certificates of Correction Branch
571-272-0423**

Thank You For Your Assistance

The request for issuing the above-identified correction(s) is hereby:

Note your decision on the appropriate box.

☒ **Approved**

All changes apply.

☐ **Approved in Part**

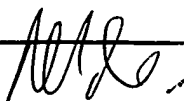
Specify below which changes do not apply.

☐ **Denied**

State the reasons for denial below.

Comments: _____

**NIMESHKUMAR D. PATEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 201C**



AU2881



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500 WEST MADISON STREET
SUITE 3400
CHICAGO IL 60661

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DEC 02 2010

OFFICE OF PETITIONS

In re Application of
Knox et al.

Application No. 11/599927

Filing or 371(c) Date: 11/14/2006

Atty Docket No.:

17197US02

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE, filed September 22, 2010. Applicant requests that the Patent Term Adjustment be changed to reflect 653 days, not 391 days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE.**

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee¹.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3232.

/DLW/

Derek L. Woods
Attorney
Office of Petitions

¹ For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.



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11377 WEST OLYPIC BOULEVARD
TRIDENT CENTER – 9TH FLOOR
LOS ANGELES CA 90064

MAILED
AUG 05 2010
OFFICE OF PETITIONS

In re Application of :
Jeff R. CUNIOUS :
Application No. 11/600,015 : DECISION ON PETITION
Filed: November 14, 2006 :
Attorney Docket No. DE112 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 29, 2010, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before June 22, 2010. As required by the Notice of Allowance and Fee(s) Due, mailed March 22, 2010, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on June 23, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$755 and publication fee of \$300; (2) the petition fee of \$810; and (3) the required statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

The application is being referred to the Office of Data Management for processing into a patent.

/dcg/
Diane C. Goodwyn
Petitions Examiner
Office of Petitions



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NOV 17 2010

OFFICE OF PETITIONS

In re Application of :
Albrecht et al. :
Application No. 11/600,264 : **DECISION ON PETITION**
Filed: November 14, 2006 :
Attorney Docket No. 1051-US-NP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 21, 2010, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before September 14, 2010, as required by the Notice of Allowance and Fee(s) Due mailed June 14, 2010. Accordingly, the date of abandonment of this application is September 15, 2010. A Notice of Abandonment was mailed October 7, 2010.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of \$1,510.00 and the publication fee of \$300.00, (2) the petition fee of \$1,620.00; and (3) a proper statement of unintentional delay.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent application. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

This application is being referred to the Office of Data Management for processing into a patent.

Joan Olszewski
Petitions Examiner
Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

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KRUMHOLZ & MENTLIK
600 SOUTH AVENUE WEST
WESTFIELD, NJ 07090

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FEB 07 2011

OFFICE OF PETITIONS

In re Application of
Yohei Fukuma et al
Application No. 11/600,267
Filed: November 15, 2006
Attorney Docket No. IMAGE CAPTURING
APPARATUS HAVING A MOVABLE DISPLAY
SCREEN

ON PETITION

This is a decision on the petition, filed February 4, 2011 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 4, 2011 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2622 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

/Irvin Dingle/
Irvin Dingle
Petitions Examiner
Office of Petitions

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Doc Code: PET.AUTO Document Description: Petition automatically granted by EFS-Web		PTO/SB/64 U.S. Patent and Trademark Office Department of Commerce
Electronic Petition Request	PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	
Application Number	11600321	
Filing Date	16-Nov-2006	
First Named Inventor	Richard Perkins	
Art Unit	3733	
Examiner Name	STEVEN COTRONEO	
Attorney Docket Number	863.11201	
Title	ADJUSTABLE SPINOUS PROCESS SPACER DEVICE AND METHOD OF TREATING SPINAL STENOSIS	
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.</p> <p>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</p> <p>NOTE: A grantable petition requires the following items:</p> <ol style="list-style-type: none"> (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995; and for all design applications; (4) Statement that the entire delay was unintentional. 		
<p>Petition fee</p> <p>The petition fee under 37CFR 1.17(m) is attached.</p> <p><input type="checkbox"/> Applicant claims SMALL ENTITY status. See 37 CFR 1.27.</p> <p><input type="checkbox"/> Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).</p> <p><input checked="" type="checkbox"/> Applicant(s) status remains as SMALL ENTITY.</p> <p><input type="checkbox"/> Applicant(s) status remains as other than SMALL ENTITY.</p>		
<p>Issue Fee and Publication Fee :</p> <p>Issue Fee and Publication Fee must accompany ePetition.</p> <p><input checked="" type="checkbox"/> Issue Fee Transmittal is attached</p>		
<p>Drawing corrections and/ or other deficiencies.</p>		

- ☒ Drawing corrections and/ or other deficiencies are not required
- ☐ I certify, in accordance with 37 CFR 1.4.(D)(4), that drawing corrections and/ or other deficiencies have previously been filed on
- ☐ Drawing corrections and/ or other deficiencies are attached.

☒ STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

I certify, in accordance with 37 CFR 1.4(d)(4) that I am:

- ☒ An attorney or agent registered to practice before the Patent and Trademark Office who has been given power of attorney in this application.
- ☐ An attorney or agent registered to practice before the Patent and Trademark Office, acting in a representative capacity.
- ☐ A sole inventor
- ☐ A joint inventor; I certify that I am authorized to sign this submission on behalf of all of the inventors.
- ☐ A joint inventor; all of whom are signing this e-petition.
- ☐ The assignee of record of the entire interest that has properly made itself of record pursuant to 37 CFR 3.71.

Signature	//Perry E. Van Over//
Name	Perry E. Van Over
Registration Number	42197



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Decision Date : July 6, 2011

In re Application of :

Richard Perkins

Application No : 11600321

Filed : 16-Nov-2006

Attorney Docket No : 863.11201

DECISION ON PETITION

UNDER CFR 1.137(b)

This is an electronic decision on the petition under 37 CFR 1.137(b), filed July 6, 2011, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice of Allowance and Issue Fee(s) Due. The date of abandonment is the day after the expiration date of the period set for reply in the Notice.

The electronic petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee and the Publication Fee (if necessary); (2) the petition fee as set forth in 37 CFR 1.17 (m); (3) the drawing correction and/or other deficiencies (if necessary); and (4) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the Patent Electronic Business Center (EBC) at 866-217-9197.

This application file is being directed to the Office of Data Management.

Office of Petitions



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Cislo & Thomas LLP
1333 2nd Street
Suite #500
Santa Monica CA 90401-4110

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In re Patent No. 7,354,317 :
Issue Date: April 8, 2008 :
Application No. 11/600,397 : NOTICE
Filed: November 16, 2006 :
Attorney Docket No. 06-17586 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed February 10, 2012. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).

The Office no longer investigates or rejects original or reissue applications under 37 CFR 1.56. **1098 Off. Gaz. Pat. Office 502 (January 3, 1989)**. Therefore, nothing in this Notice is intended to imply that an investigation was done.

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

This application is no longer entitled to small entity status. Accordingly, all future fees paid in this application must be paid at the large entity rate.

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

/Kimberly Inabinet/
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